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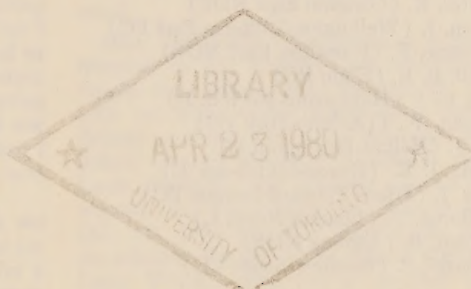
No. R-1

# Legislature of Ontario Debates

## Official Report (Hansard)

### Standing Committee on Resources Development

Annual Report, Ministry of Natural Resources, 1978-1979



Fourth Session, 31st Parliament

Tuesday, April 8, 1980

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC



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### STANDING COMMITTEE ON RESOURCES DEVELOPMENT

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# LEGISLATURE OF ONTARIO

## STANDING COMMITTEE ON RESOURCES DEVELOPMENT

TUESDAY, APRIL 8, 1980

The committee met at 8 p.m. in committee room No. 1.

### ANNUAL REPORT, MINISTRY OF NATURAL RESOURCES, 1978-79

**Mr. Chairman:** I see a quorum. The meeting will come to order. When we adjourned last Tuesday I stated that the meeting would be convened again when the minister would make a review. Since then the Geraldton report has been placed on the desks of all members of the Legislature. At rather short notice, I came in at one o'clock today and notified as many members as I could that we would meet again this evening with the Minister of Natural Resources (Mr. Auld) and some of his ministry officials.

I will turn the meeting over to you, Mr. Minister. Perhaps you want to make an announcement.

**Mr. Van Horne:** A point of privilege, Mr. Chairman: Before we do that, the Order Paper today did not indicate this meeting would be held and you explained why, but I think you should be reminded that some of us from out of town rely on that as our direction for the day. We were told that this meeting would not be held. It was because one of our people heard about it in the hallway that I got a call to be here and was able to get here late this afternoon.

It is an important matter and I think we should have more than this type of notice for a meeting such as this. Had it not been for a happenstance hearing in the hallway, because this was not on the Order Paper, I simply would not have been able to be here. I had to hop in my car and drive 100 and some odd miles to be here.

**Mr. Chairman:** A notice did not go out. It wasn't on the desk, I will admit. I did ask our chief whip to announce it in the House, which he did, so that all members would be forewarned. Tomorrow is Wednesday, we do not sit and it's a question of getting on with the work that is before us.

**Mr. J. A. Taylor:** Mr. Chairman, Mr. Van Horne makes an excellent point. I think he is correct. I felt the same way on April 1 when

the committee was called for organization purposes. We had this sprung on the committee without any notice.

I don't know how it happened that this matter was discussed in such fullness, in terms of defining and in fact passing a resolution on April 1, without alerting the members of the committee it was going to be dealt with, but it was. I suppose the television cameras and the media were here at that time. I don't know how that happened, but I am sure, Mr. Chairman, you didn't orchestrate it. I don't see any point in arguing a matter of order at this time, unless you feel this matter is not properly before us.

**Mr. Chairman:** No. I believe I had called the meeting for organizational purposes during the session. It was moved that the first order of business would be that the minister's reply in the House was not satisfactory, and therefore the question of his report in general came up.

I would ask the minister to make his statement.

**Hon. Mr. Auld:** Mr. Chairman, I have attempted to put together the chronology of events since Wednesday, August 22. I have with me some senior members of staff: the deputy minister, Dr. J. K. Reynolds; the assistant deputy minister, northern Ontario, Louis Ringham; the ministry counsel at the inquest into the tragedy, Mr. Dennis Brown, QC; Mr. Ron Kincaid, regional fire control co-ordinator for the north-central region; Mr. Larry Woods, who was a member of the board of review and the Ontario Public Service Employees Union representative from Fort Frances; Mr. John Walker, district manager from Geraldton; Mr. George Elliott, regional director, northern region; Mr. George McCormack, regional director, northwestern region, and chairman of the board of review, which I set up; Mr. Al Baxter, regional director of the north-central region, and Mr. Bill Foster, assistant deputy minister, southern Ontario, who was acting deputy minister at the time of the tragedy.

If the committee will bear with me, I will just read to you the chronicle of events as they have been put together by those who

were involved. I think honourable members have had an opportunity to read the report of the board of review, which is thorough. It indicates the members and the events of the fire. I am going on from there.

The first thing on my list is that at approximately 12:15 p.m. on August 22 in Geraldton the district manager, Mr. John Walker, was notified of the incident, that there was something seriously wrong, and he left for the site of the burn. He arrived there at approximately one o'clock. He was informed on his arrival of the problem with the fire and that Gaius Wesley, one of those involved, was injured. The Ontario Provincial Police at Geraldton was notified.

Mr. Bolan: Pardon me, Mr. Chairman, will there be copies of this statement that the minister is now making?

Hon. Mr. Auld: I can produce one. I have one which has been written on and added to. I would prefer to make this available to the committee after it has been retyped because it has some of my own notations, which may not be too clear to the members. Of course it will be in the transcript anyway.

8:10 p.m.

At approximately two o'clock at the Wawong fire base, Mr. Walker called the north-central region and asked for Mr. Baxter, the regional director, who was tied up. He spoke to Mr. Kincaid, regional fire control co-ordinator, and alerted him of problems with the prescribed burn, the full extent of which was not known. At that time Mr. Kincaid contacted Mr. Allan Johnson there and advised him of the situation. Mr. Johnson spoke to Mr. Hendry at the regional fire office and Mr. Hendry got in touch with Mr. Baxter in his meeting, called him out of the meeting and told him of the situation.

At three o'clock at the Wawong fire centre, Mr. Walker phoned Mr. Kincaid and reported his observation. He informed him at that time that seven people were missing in the burn. He asked for assistance from the region to deal with the situation as then perceived. At roughly three o'clock at the regional fire centre in Thunder Bay, Mr. Kincaid phoned Mr. Johnson and gave him an up-to-date report and requirement of assistance. It was discussed whether Mr. Johnson or Mr. Kincaid would go to the site.

At the regional office again in Thunder Bay, Mr. Johnson advised Mr. Hendry and Mr. Baxter. They discussed the situation and it was decided that Mr. Kincaid would go to Geraldton to assist the staff there.

At that time Mr. Baxter, the regional director in Thunder Bay, called Mr. Ringham,

Assistant Deputy Minister of Northern Affairs, and advised him that seven people were missing and a head count was being taken of those who were involved to find out who was missing. At 3:15 at the site of the burn, Mr. Walker returned to the base camp, met with the fire boss, Mr. MacKay, and the field supervisor, Mr. Cameron, and also the OPP investigating officer Constable S. Smith who had arrived, I guess, from Geraldton.

Constable Smith informed Mr. Walker it was now the OPP's responsibility for investigation and on all other matters pertaining to any deceased. At 3:15 approximately at the prescribed burn base camp, the radio station there received a call that bodies had been found. At approximately 3:30 p.m., the north-central region in Thunder Bay was called. Staff there called Mr. Foster, the acting deputy minister, in Toronto to advise him of the incident and the injury to Wesley.

At approximately four o'clock at the Wawong fire centre, Mr. Walker returned to the phone there. At four o'clock in Toronto, Mr. Foster advised me that people were missing and it was possible there had been a loss of life on the prescribed burn. At 4:30 that day Mr. Foster left the office for treatment at hospital. At 4:30 in Thunder Bay, Mr. Baxter called Mr. Ringham and passed on the present information.

At 4:30 back at the Wawong fire centre near the burn, Mr. Walker called the region to confirm the fatalities and say that the incident probably was caused by a wind shift. From 4:30 until midnight, Mr. Walker remained at the Wawong fire centre.

At 4:40 at the regional office in Thunder Bay, Mr. Ringham attempted to contact Mr. Foster in Toronto. He was advised Mr. Foster had gone to the hospital. Mr. Ringham contacted Mr. Foster's home and advised Mrs. Foster of the situation and asked Mr. Foster to call Mr. Ringham when he returned. At 4:30, again in Toronto, Mr. Foster's secretary advised Mr. Spry of my ministry, who was the most senior staff member in the office at the time of the incident, that seven people were missing.

At five o'clock at the prescribed burn site Mr. A. Gunnell, the regional safety supervisor, arrived. At five o'clock at the Wawong fire centre, Sergeant Dunn of the OPP advised Mr. Walker that the OPP would notify the next of kin and that Natural Resources was not to give out any information concerning the deceased pending notification of the families.

At 5:15 in Toronto, Mr. Foster had returned and he called Mr. Spry and arranged for in-



formation services to be contacted and alerted. There was no confirmation of anything further. Between 5:15 and 5:30, Mr. Ringham in Thunder Bay was attempting to get me. I had left the office to go to a dinner. At 5:30 Mr. Ringham called Mr. Spry to inform him of the fatalities and at 5:32 Mr. Spry reached me as I had then reached the place where the dinner was taking place.

At approximately the same time, Mr. Ringham in Thunder Bay called Mr. Foster and reached him in Toronto to advise him of the situation. At 5:35, again in Toronto, Mr. Spry called the information services branch and got Mr. Mutton to advise of the incident and the need for a news release. At 6 o'clock in Toronto, Mr. Moritsugu, the director of the information branch, who was on vacation but was nearby, was advised of the incident, while Mr. Mutton was getting details from Mr. Baxter for the release.

At 6:30 in Toronto, Mr. Moritsugu arrived at the office and took charge organizing the staff from information services, administrative services, for the production and delivery of the news release. Mr. Moritsugu wrote the final release based on the draft prepared by Mr. Mutton with input from Mr. Foster and myself and Mr. Devitt of the Premier's office.

At seven o'clock in Thunder Bay, Mr. Baxter talked to Superintendent Wilson of the OPP regarding notification of the next of kin. Mr. Wilson told Mr. Baxter that the OPP were handling that situation. At 7:30 in Toronto, Mr. Foster reached me at the dinner and I instructed him to contact the chief coroner and ask that he begin an investigation. At approximately eight o'clock Mr. Foster contacted Mr. Ringham regarding attendance at Geraldton to meet the chief coroner and the OPP to provide assistance in the investigation and to initiate internal review.

At 8:30 approximately, at the Geraldton district at Wawong, Mr. Kincaid remained at the Wawong base and chatted with some of the Geraldton staff. He departed after midnight. At the Wawong fire centre, Mr. W. R. Doyon, field services supervisor for the Nipigon district, arrived. Mr. Doyon was appointed fire boss to extinguish the prescribed burn.

At 9:10 in Toronto, there were calls from some news media which saw a brief item on the front page of the first edition of the *Globe and Mail* and the concurrent *Canadian Press* item. The media were advised that Natural Resources would have a release ready within about 15 minutes. At 9:20 the news release was issued in Toronto, delivered by hand or phone to local daily newspapers, radio and

TV stations, wire services, and Telexed to field offices, particularly to Thunder Bay and Geraldton. That news release gives the wind shift as the cause in the lead paragraph, as I think honourable members are aware.

8:20 p.m.

At 10 o'clock at the Wawong fire centre, the news media called John Walker. In response to questions, he mentioned the cause as possibly a wind shift. Between 10 and 11:15 p.m. in Toronto, calls began from the news media for more particulars. These were referred to the OPP at Geraldton for details of the deceased and to Thunder Bay for further details of the incident.

At 1:30 approximately on Thursday, August 23, Mr. Ringham and Mr. Baxter arrived at Geraldton by car and were briefed by Messrs. Kincaid and Walker. At 4 p.m. at Geraldton, there was a news conference called by Natural Resources. Present were Mr. Ringham, Mr. Baxter, Mr. Kincaid and Mr. Walker. At that time, the theory was put forth that to the best of knowledge, wind shift was a probable contributing cause.

At approximately 4:30 at Geraldton, Messrs. Ringham, Baxter and Kincaid visited the Thompson family and gave them information that was known at that time. At approximately 7 p.m. in Geraldton, Mr. Jones, parliamentary assistant to the Provincial Secretary for Social Development (Mrs. Birch), and his party arrived at the district office from Toronto. At nine o'clock in Geraldton, the chief coroner, Dr. Cotnam, met with Mr. Ringham, Mr. Baxter, Mr. Walker, Mr. Spry from main office, Mr. Kincaid, Mr. R. J. Keir from the ministry's information branch in Toronto and Mr. J. Taylor from the fire marshal's office. The decision was made to visit the site the next morning.

I might just interject here that the weather was bad for a time. We sent a plane to get Dr. Cotnam, who was on holiday at his cottage in eastern Ontario. We were able to fly him to Hearst and then he had to drive because they couldn't fly any farther that day.

On Friday, August 24, at nine o'clock approximately on the site of the prescribed burn, the chief coroner's group visited the site. The group included Mr. Wilson, the assistant deputy minister in the Solicitor General's ministry and others, the deputy chief coroner and others, a representative of the fire marshal's office, and Messrs. Ringham and Baxter. That afternoon in Geraldton, Messrs. Ringham and Baxter visited the Campbell and Harkes families, and at 9 p.m. in Jellicoe, Mr. Baxter visited with Mrs. Parise and Mr. and Mrs. Arthur, grandparents of another of the victims.



I missed one thing on the Thursday night. I spoke with the deputy minister who was on holiday but who heard of the tragedy over the radio and called in. We decided we should proceed with a board of internal review of the ministry to look into every aspect of the situation to see what had gone wrong, and what we should do to prevent this kind of thing from ever happening again.

I go back to my notes here. On the evening of Friday, August 24, Mr. Ringham returned to Thunder Bay and recommended candidates for the internal board of review to me. At the same time during Friday, Mr. Foster, Mr. George Elliott and Mr. Queen visited the families of the victims in Metropolitan Toronto—the Reids and the Fitzgeralds.

On Sunday, August 26, in Thunder Bay, Mr. Baxter returned after attending the Geraldton area funerals and Mr. Kincaid returned to Thunder Bay.

On Monday, August 27, at 11:45 a.m. in Thunder Bay, a Telex went out from Mr. Ringham to all key staff advising that the board of review was in place and directing all media inquiries to be referred to Mr. Moritsugu, director of the information branch in Toronto, or to Mr. Hendry in Thunder Bay. That afternoon the members of the board of review arrived in Geraldton, and from Thunder Bay Mr. Ringham sent a letter to Mr. George McCormack, chairman of the board of review, confirming his appointment and setting out the terms of reference.

That afternoon in Toronto, there was a news release from the information branch dated the next day, August 28, announcing the internal board of review, its members and its tasks.

**Mr. Foulds:** Excuse me, Mr. Minister, on what day and date was the board of review established?

**Hon. Mr. Auld:** The board of review was established and met in Geraldton on Monday, August 27. It was decided that it be established by the deputy and myself on the evening of Thursday, August 23. The board of review then started its work.

On either Saturday or Sunday, September 1 or 2—neither the deputy nor I am sure of which day it was, but I know I was at home—he called me to say that we had had the first indication that the wind shift might not be the main or probable cause of the tragedy. This was in light of the receipt of the report made by Mr. Kincaid over the preceding weekend and submitted to Mr. Baxter.

**Mr. Conway:** Excuse me, could you repeat that last paragraph?

**Hon. Mr. Auld:** On either Saturday or Sunday, September 1 or 2, my deputy minister called me and said that there was an indication from Mr. Kincaid's report to Mr. Baxter that a wind shift might not be responsible for the tragedy. We might want to come back to that.

On October 3, 1979, the board of review met in Sault Ste. Marie. I am not giving you the chronology of the meetings of the board of review and the people they interviewed and so on. That is in their own report. The board went over the draft of their report with Mr. Baxter, Mr. Kincaid and Mr. Johnson, regional fire management officer.

On October 12 the report was delivered to the deputy minister for delivery to me, and I received my copy that day.

On October 15 in Thunder Bay, there was a meeting between Mr. Ringham, Miss Janet Minor, counsel for Natural Resources, Mr. Leon Nicol, crown attorney, and the OPP in connection with the inquest. On October 25 and 26, again in Sault Ste. Marie, all members of the board of review and Mr. Dennis Brown, the ministry's counsel, met with Mr. Nicol, counsel for the regional coroner, to discuss the board of review report.

Towards the end of November or early December I was notified that, under the provisions of the Proceedings Against the Crown Act, notice of claim had been filed on behalf of a number of the victims, if not all.

8:30 p.m.

**Mr. Foulds:** When was that, Mr. Minister?

**Hon. Mr. Auld:** It was towards the end of November or early December that I was notified that notice had been given to the crown under the Proceedings Against the Crown Act that actions might be taken against the crown as a result of the tragedy.

At that time it seemed apparent that the inquest—which I think we had all anticipated would have started at the beginning of November and certainly have ended by Christmas—would not be finished.

In January we had discussions as to what steps we should take to prepare ourselves for the 1980 fire season. It seemed apparent that we should do something in connection with the recommendations that had been made by the board of review.

I had some discussions about this with the deputy minister. I decided I should read the report, which, as I had indicated before, I did not want to read. I was assuming the inquest would take a relatively short time and that I would not in any way be in a position to make any comments inadvertently that might interfere with the conduct of the inquest.

**Mr. Conway:** When did you decide to read the report, Mr. Minister?

**Hon. Mr. Auld:** On checking my diary, it would be the third week in January, because I took it home the weekend of January 25.

We were preparing amendments to the prescribed burn procedures and, after reading the report and discussing it with the deputy minister, we decided we should make some proceedings. By this time, the action for the injunction was under way about the inquest, and other legal matters which we may get to later.

Throughout the proceedings I was aware from press reports and from reports to me from my deputy as to the general progress of the inquest. I did not give instructions that I was not to be briefed or given any information. I did not give instructions that I should be briefed daily or weekly. However, as I indicated in the House previously, the ministry was represented at the inquest every day. Mr. McCormack and Mr. Baxter were there. Reports were made to the deputy minister on a thorough and consistent basis. He informed me of the general progress of the inquest, and I was aware from both the Toronto media and the Lakehead media of the general tenor.

I am very concerned about the impression given in some of the press reports. The suggestion that I was simply trying to hide from the inquest is incorrect. I was concerned, on the advice of our own counsel, as to any comments I might make in connection with it inasmuch as I am the minister of the ministry that was involved. The jury of that inquest will make certain recommendations, I am sure, and I am perhaps more anxious than almost anybody in this room to get that report so that we may act on it.

We had some lengthy discussions and considerations in the ministry as to how we should proceed. Finally, on March 14, as members will recall, I made a statement in the Legislature about the action we were taking for the coming fire season, the amendments to our prescribed burn procedures and the fact that for 1980 no Junior Rangers or Experience '80 students would be involved in prescribed burns or any other kind of fire actions. I am still anxious to see this.

I've tried to give a pretty clear indication, I hope, of the actions of the ministry for which I am responsible to indicate the ministry was doing, as I was informed it was doing, all the things it should do. In connection with the information, and particularly the matter which concerned me at the time, as it concerned all our people, of the original report in the release which said that the fire was

caused by a sudden wind shift, I can only say in fairness to those who were on the spot that we should remember there were perhaps seven or eight fire incidents in all kinds of forest fires, prescribed burns or otherwise, that had taken place.

As I said in the House the other day, these are the first fatalities that have happened in 42 years. There have been other incidents, close calls and so on, as a result of fire shifts. I think in the anxiety of trying to get information out, a supposition was made which turned out to be incorrect.

This brings me back to the Kincaid report. I want to be very careful how I use this example because the jury has had, I understand, conflicting testimony on a number of things and I don't want to prejudice anything. The Kincaid report indicated it was unlikely that fire was the cause, but suggested another cause which turned out to have been refuted by other testimony.

Perhaps what I should do is ask the counsel to explain this so that I am not in a position of saying anything I shouldn't as far as the inquest is concerned. Mr. Brown, could you comment?

8:40 p.m.

**Mr. Brown:** Thank you, Mr. Minister. I believe you allude to the report that you had spoken of, which was prepared by Mr. Kincaid during his stay for five days in Geraldton, Wednesday through Sunday. The report was delivered to Mr. Baxter, who was his regional director. The report is an exhibit at the inquest and Mr. Kincaid gave evidence at the inquest with respect to his report.

**Mr. Bolan:** Excuse me, Mr. Brown. Mr. Chairman, we don't want to get into anything that is properly before the inquest. I believe I'm speaking on behalf of myself.

Interjection.

**Mr. Bolan:** That's a good point. I think in the interests of the inquest that is being carried on that we not get into that.

**Mr. Brown:** I appreciate that. That is a concern from my standpoint on behalf of the ministry, since I have been there. Let me say this. From Mr. Kincaid's report different conclusions tend to appear as to the whereabouts of certain people than were borne out by the testimony at the inquest. In that regard, if we embark on anything further we get into a position where we start to weigh the evidence, and that's the job of the jury.

**Mr. Bolan:** That's precisely what we don't want to get into.

**Mr. Brown:** The underlying aspect or the bottom line is, in our opinion, a conflict be-



tween the findings of Mr. Kincaid and those that came out subsequently.

**Hon. Mr. Auld:** The point I'm trying to make is that we had to weigh the question of whether we should say, "It now appears there was another cause," or whether we should say nothing and leave it to the inquest to make its findings.

**Mr. Bolan:** It's my understanding that the function of the inquest is precisely to determine the cause. As I have indicated before, we are not here to determine the cause. That is not our function.

**Mr. J. A. Taylor:** Maybe you could clarify our function then.

**Mr. Bolan:** Yes, by all means I will clarify the function.

**Mr. Foulds:** Has the minister finished the statement?

**Hon. Mr. Auld:** One correction: When I started I said that John Walker had gone to the fire because he had heard there were problems. I was incorrect. He had gone in the course of his duties to see how the burn was proceeding. He had not received any report at 12:15 p.m.

**Mr. Bolan:** Is that the end of your statement or do we proceed now to—

**Mr. Chairman:** You had a point of order, Mr. Foulds.

**Mr. Foulds:** Mr. Chairman, I don't want to get into a lengthy rainbow of procedure but I did want to make the following motion: That the debate and deliberation this evening not dismiss the matter of the referral of the annual report of the Ministry of Natural Resources from the consideration of the committee for the purpose of considering the matter of PB-3 1979 Geraldton district.

The reasons I would like to put that motion are largely those I gave last week for the amendment I proposed, which was defeated by the committee. At some point the committee may want to give fuller consideration to PB-3 than we can this evening, but we may also not want to prejudice any legal or quasi-legal proceedings that are going on. The minister has come this evening prepared to make a complete statement. He has many officials here to answer questions of particular and of substance, and we may well get into discussing that this evening.

I'm not dogmatic about this but I heard the Deputy Premier and the Minister of Energy (Mr. Welch) say the Energy estimates would proceed before this committee tomorrow morning. In the vernacular, a one-night stand may not be sufficient to consider a matter of this gravity. On the other hand,

it may satisfy committee members with regard to ministerial responsibility—which is what I think our main consideration is this evening.

**Mr. Chairman:** I think at our last meeting it was clearly understood that this had precedence over anything that came before the committee. That is why this meeting was called tonight. As for the time it takes, I interpreted that to mean this had precedence over anything.

**Mr. Foulds:** On that point I think the committee has to get into some serious consideration of the questions I raised last week with regard to staffing for the committee. If we are going to get into a continuous series of meetings over the next few days or weeks or whatever, then I think it is ill-advised for this committee to proceed unarmed, if you like.

It may be that you, Mr. Chairman, or the members of the committee would want to strike a steering committee of our own party members to set up a schedule. I don't know what the other members feel about that now; I know they weren't very agreeable to it a week ago.

**Mr. J. A. Taylor:** Mr. Chairman, I am wondering whether Mr. Foulds could clarify that because I see a couple of things coming out here.

Mr. Bolan on the one hand seems to alert the committee to the sub judice rule. He seems to have expressed some concern that this committee, in its deliberations, might offend other proceedings—please correct me if I'm wrong. I think Mr. Foulds recognizes that and seems to express some concern that the timing of the committee's consideration of this matter may not be appropriate since we can't get into all the areas that we may want to because it is being considered by another body at this time.

**Mr. Foulds:** As well as that, many questions may be clarified that we need not go into.

**Mr. J. A. Taylor:** As a result of the inquest.

**Mr. Foulds:** Or other proceedings.

**Mr. J. A. Taylor:** Then I hear a message that the deliberations this evening may be premature. Or are we going to consider it twice? Are we going to consider it now as a matter of priority and then consider the estimates and get back to it again in some other matter?

**Mr. Bolan:** Mr. Chairman, if I may respond both to Mr. Foulds and Mr. Taylor, first, the objects of the committee are quite clearly set out in the motion that was tabled at this committee last Tuesday and I will spell the motion out again. It is, "That this committee



take up, as its first order of business and as a matter of priority, the 1979 annual report of the Minister of Natural Resources for the purpose of inquiring into the performance by the minister and his officials of their responsibilities with respect to the Nakina fire." That is the motion that was presented and which passed. The motion speaks for itself. In other words, what was the performance by the minister and his officials.

The minister has given us a chronological account of the events as he makes them out and I think that in doing so he certainly has answered some questions. However, there is a host of questions that remain to be answered and that is one of the reasons we are here.

As far as Mr. Foulds' suggestion about outside help is concerned, frankly I don't think we need a lawyer. I don't think we need anyone other than those who are here. This is not a legal inquiry; it is a parliamentary inquiry which is inquiring into the conduct of the minister and ministry with respect to the tragedy. Do we need a lawyer by our side when we stand up and ask a question in the House? Of course not. We don't need that at all.

8:50 p.m.

Many of the questions I and members of my party will be asking are questions that can be asked in the House. However, this is the proper forum to deal with them. I might also point out that the committee doesn't have money to go around hiring lawyers and expert witnesses unless, of course, it is authorized by the House to do so. Being a lawyer myself, I can assure you doing so would put another three or four weeks on all of this. By the time the counsel would brief himself, it would be at least three or four weeks before the matter would get under way.

I might say our position has been greatly helped by the board of review report which was filed by the minister last week. I think this will go to great lengths to make this very difficult task perhaps not as difficult. Again, you have to look at the objectives of this board. Really, the objectives of the board are somewhat similar to our objectives as well. The objectives of the board were: to determine what happened, to determine why it happened and to make recommendations.

You have to remember that out of this report some recommendations came from the ministry as far as future prescribed burns are concerned. It's our function as parliamentarians to: (a) question the policy which was in existence last year; (b) determine whether or not that policy was followed, and (c) see what

the new policy does to ensure the likelihood of this thing not happening again. Those are my points on that.

**Mr. Wildman:** Mr. Chairman, I think the main thrust of my colleague's motion was that the matter not be discharged this evening, since the motion that was passed last week by the committee was that this matter be dealt with first on the agenda of the committee and it be a matter of priority. It was our position at that time, and still is, that this matter is a matter of priority and should be treated as such, but we are concerned that the letter if not the spirit of the motion might be served simply by having the discussion at the committee this evening when, from our position, that certainly won't discharge the matter.

We may be able to deal with the matters raised by the minister in his statement this evening, but there certainly may be other questions that will have to be dealt with, or we would want to deal with, subsequent to the inquest being completed. We don't want the matter to be discharged simply by our discussion this evening. That's the thrust of the motion.

**Mr. Conway:** Mr. Chairman, as someone who was here last time, I don't know where this notion of a one-night stand originated. It is certainly not the intention of my colleagues that this business should be discharged under anything but the most deliberative of consideration. However much time that requires is a matter to be determined by the course of our very natural parliamentary investigation. The minister, I think, has accommodated very well tonight by beginning the process; he has, as my colleague from Nipissing (Mr. Bolan) has indicated, begun the process well by taking us through a chronology, anticipating some of the points in which I and my colleagues were interested.

There is a whole series of questions that relate to departmental administration, ministerial responsibility and other related matters that are, I think, of some concern to all members. They will be proceeded with in the fullness of time under whatever consideration is required. It must be stated very clearly that we shall take the time that is required. It may take X days; it may take X plus Y days. That is not something that anyone, short of a clairvoyant, could determine.

I just want, for my part, to throw water if I can on this notion that somehow we gather tonight to discharge in a few minutes, or in a few hours, the reference that I and other members of my caucus view as quite serious.

**Mr. Eaton:** The chairman has clearly indicated we can take as long as we wish to spend on it.

**Mr. Chairman:** In fairness, I spoke to Mr. Bolan and asked him, he being a member of the legal profession, what he actually wanted, so I could prepare the people involved for the next meeting. He very kindly told me they wanted a full report from the minister and his officials and to ask questions. In turn, I notified the minister to have some of the officials involved, or those who reported to him, at this meeting. That's where it stands.

**Mr. Bolan:** I want to reiterate what Mr. Conway has said. This is not a one-night sitting.

**Mr. Foulds:** Do you have some idea of the length of time the inquiry will be going then?

**Mr. Bolan:** I don't know.

**Mr. Martel:** Mr. Chairman, I think the concern is that should be not get completed tonight, then the order of business is not discharged and we could come back to it, whether it's a week from now or not. If we struck a subcommittee that could sit with the chairman and a representative from each caucus, they could arrange with the chairman and the minister about whenever we deem it necessary to reconvene to continue the discussion. All the committee is looking for is an assurance we won't consider that after tonight the order of business has been discharged.

I think that is all the concern and that everyone here agrees to that. I don't think anyone wants to attempt to scuttle it. In order that we don't have to come back two weeks from now and start a long haggling about whether we're going back to it or not, I think that's all the assurance my colleague is looking for in his motion.

**Mr. Foulds:** I think that is the intent. I will be glad to withdraw the motion if that's the understanding of the chairman and the understanding we have.

**Mr. Chairman:** Do you all agree to Mr. Foulds' motion?

**Mr. Conway:** Let's just be clear again on what we have agreed to, that we will consider this as the motion, which Mr. Bolan indicates is a matter of priority.

**Mr. J. A. Taylor:** It doesn't say "first order of business."

**Mr. Conway:** Yes, the motion itself says, "That the committee take up, as its first order of business and as a matter of priority . . ." we assert that.

**Mr. Martel:** It means that it doesn't terminate the discussion we're involved in right

now. I think everybody wants to do that. I don't see why we should get into a lengthy debate on that.

**Mr. Chairman:** I would like to hear from the minister whether he has officials here from a distance away. I am not acquainted with them. These are things on which perhaps the minister should enlighten us so that we are not going to call for them to be at every beck and call. If they're here, I think now is the time we should proceed and hear from them.

**Hon. Mr. Auld:** I and my staff are at the committee's pleasure. However, five are from northern Ontario, one from an area where the transportation service is not ideal. I would be happy to bring them back, but I would like to have something in the order of several days' notice. I was not sure until today that this meeting was taking place tonight. We had to send a plane up and there was freezing rain in the Lakehead this morning. There was some question as to whether they were going to be here.

**Mr. Martel:** That's why I suggested a steering committee with the chairman on it and a representative from each party. That could be worked out in order to give you adequate notice when we intend to meet again if it isn't finished tonight. In that way, I think an arrangement can be reached amicably without a lengthy hassle.

**Hon. Mr. Auld:** That would be convenient, particularly so because, if we were to meet tomorrow morning, that would create some problems for some of the staff.  
9 p.m.

**Mr. J. A. Taylor:** Mr. Chairman, you mentioned that Mr. Bolan asked you whether the minister would be here with officials so that they could be questioned. They're here. There's a motion that we passed ordering this as the first priority, the first order of business. Mr. Bolan, why don't you go ahead?

**Mr. Bolan:** We deal in a parliamentary manner here, Mr. Taylor. I realize that sometimes it's hard for you to understand that, but we do. We are trying to get a parliamentary—

**Mr. J. A. Taylor:** If you dealt in a parliamentary manner you would know the rules of the House. Are you not familiar with the rules of the House?

**Mr. Bolan:** I can assure you I'm as concerned about this as anybody else.

**Mr. J. A. Taylor:** If you believe in parliamentary procedure, why don't you comply with the rules of the House?

**Mr. Chairman:** Order.



**Mr. J. A. Taylor:** You hadn't when your motion was passed.

**Mr. Bolan:** I thought you weren't here, Mr. Taylor.

**Mr. J. A. Taylor:** When your motion was passed there were members who abstained from the voting. The record shows that, and I've read it. If you know parliamentary procedure, if you are present and you don't vote in the affirmative you are deemed to have voted in the negative, which means your resolution wouldn't even have passed and we wouldn't even be discussing this. Don't preach to me about parliamentary procedure.

**Mr. Martel:** I think we have a consensus. I think the majority of the committee have reached a consensus on where we're going. I think everybody understands it. If Mr. Bolan is going to be the first one to start the questioning, maybe we could move to Mr. Bolan, with the understanding of the agreement I think we all reached, and get away from the unnecessary hassles.

**Mr. J. A. Taylor:** Precisely what I was saying.

**Mr. Wildman:** Mr. Chairman, we are dealing with a very serious problem here, so let's deal with it in a rational manner and let's get on with it.

**Mr. Chairman:** I agree. We've still got until 10:30 p.m., and these people are all here. That's my opinion, but I'm at the beck and call of the committee.

**Mr. Bolan:** Mr. Minister, one of the things I would like to know is whether you have some kind of organizational chart which would set out the chain of command, the various people who would be involved in the tragedy, what is given a priority in terms of who is to do what. How is this chart set out?

I don't know if you have that now. It's probably something which would be prepared for the committee and given to us at a later time, so we could look at it and see that here at the top we have the minister and we have the deputy minister and we have all the other people who are involved in the process. That is something I would make a request for at this time.

**Hon. Mr. Auld:** What you would like is an outline of the rules that were in effect last August and the various material that is part of a prescribed burn—planning, procedure and operation?

**Mr. Bolan:** That's right. I would like to know what the procedure is for prescribed burns, what the policy is. I've read some parts of it in the report. I don't know whether

the organizational chart is complete, but perhaps you could have a look at that.

**Hon. Mr. Auld:** The chart in the report, I believe, shows the organization as it existed in the Geraldton district. It also indicates the various material, weather forecasts, et cetera, that are part of the plan.

**Mr. Bolan:** Is there a chart from your position down; the minister, the deputy minister? Who are the people who are involved in these things?

**Hon. Mr. Auld:** We can give you the ministry organizational chart and, more important, the regional and district charts, because we are decentralized, and that is where the action was taken.

**Mr. Bolan:** As well as something that would cover the personnel policy; not just dealing with prescribed burns and not just the procedure with respect to prescribed burns, but also what is the personnel policy. What is the policy of the individuals who are involved in the whole process of a prescribed burn?

While I'm on the subject of asking for information, do you as a minister keep ministerial notes? Were there a number of written notes that were made by you from the time you found out about this tragedy? I know some ministers keep a documentation of every phone call they receive, everything that is done. I'm wondering in this case if there is anything of that nature.

I can appreciate what you've told us. However, just going through some of the dates I see huge gaps. I'm not saying they were intentionally created or anything like that, but there are huge gaps from one day to the next day. I'm wondering if you do have any such type of memoranda or notes from your deputy or from whoever take the messages.

**Hon. Mr. Auld:** Actually, my office is next door and we go back and forth frequently. I have copies of some correspondence that went to the deputy minister from others in the ministry in connection with the inquest. I have tabled the report. I have nothing further in my own records, but I don't diary every phone call. I diary meetings with staff or other people. My deputy does not keep that kind of diary as far as I am aware, because we have to sit down and look at our calendars to see where we were in connection with some of the notifications he gave me of various events because they were by phone rather than by memorandum.

**Mr. Bolan:** The reason I asked whether you do is because you did say you read the report on January 25 and you know it was that date because you had written it down in your diary.



**Hon. Mr. Auld:** No, I think I had said it was a weekend and I had taken it home for the weekend and I had had a meeting with the deputy earlier about what we would do because of the delay in the inquest.

**Mr. Conway:** Supplementary, Mr. Chairman: Mr. Minister, can you give us an indication as to when we as a committee can expect a full and complete documentation of the chronology you read to us this evening? Did you indicate earlier that it would be prepared and ready for the committee later this evening or tomorrow?

**Hon. Mr. Auld:** It will probably be tomorrow. I have to get it retyped and get a photocopy of it.

Could I ask Mr. Brown to speak to the matter of policy for a moment? I asked him to be here to advise me on what questions we should answer and what we shouldn't in view of the inquest, the application for judicial review and the possibility of civil action.

**Mr. Brown:** Mr. Bolan, I would like you, if you would, to clarify for me your request with respect to policy. I attended there, but I don't want to be the only person to inform you as to what took place. However, it was my understanding that one of the areas that was being canvassed by the coroner's inquest was the area of policy guidelines, directives, however you want to describe them, with respect to prescribed burns and in particular in this region.

From your request, I don't know whether you distinguish the types of policy and procedure, but I would point out to you that the inquest has gone into these areas, that is, the responsibilities of different members of the region, and policies and guidelines they are bound to follow or that are in place. It's with respect to that that I point that out to you. I don't know whether that is what you were directing yourself to or not.

9:10 p.m.

**Mr. Bolan:** I would address myself to the policy of prescribed burns in that area to determine whether the policy enunciated by the ministry was carried out. Since then we know the policy has changed. How are these changes to be effected? How do they differ from the policy that was in existence at the time? I would ask what the ministry policy was on prescribed burns in that area. I would then ask questions of this prescribed burn—how was it set up; did it follow ministry policy; was there any deviation from it?—starting from the date when the application was made to the date when the incident occurred.

**Mr. Brown:** It seems to me you would be entering an area which has been put to the jury to deliberate.

**Mr. Conway:** Do I understand the earlier evidence? Did your ministry, beginning on or about the third weekend of January and moving on through March, initiate new policy? Is that correct? As a result of the process this spring, did you undertake a review that has led to new policy guidelines or policy changes? Am I properly understanding your case? Have you done nothing, then, to change manpower policy in that area in the last three months?

**Hon. Mr. Auld:** Let me read from the press release on the statement I made in the House on March 14. I thought I had the bulletin with me but I haven't. I should read the whole thing, it's not long: "Neither Junior Rangers nor young people involved in the Experience '80 program will be allowed to work on fire-related activities this year."

**Mr. Foulds:** I don't wish to be rude to the minister but this is on the record of the House and most of the members do have a copy.

**Hon. Mr. Auld:** It might be better if I read it rather than we argue about it.

"Mr. Auld said the decision was made because of the incomplete state of the inquest into the deaths of seven young people last August in a prescribed burn project being carried out by the ministry in the Geraldton area. The Minister said an internal board of review thoroughly studied the incident upon his request and gave its report and recommendations some time ago, but he was not making the report public 'for the time being so as not to influence the inquest recommendations.'"

"However, Mr. Auld said the review board's report contained 21 recommendations and he has directed every effort be made to implement them before the 1980 fire season begins April 1." Then it went on to the rules adopted and so on.

**Mr. Conway:** I was trying to deal with counsel's point. It's important for us to scrutinize departmental policy in this connection. Your department has undertaken some initiatives prior to the conclusion of the inquest. We have a clear responsibility, if not an obligation, to inquire into the nature of those changes, whether or not they—

**Hon. Mr. Auld:** The recommendations are all in that report.

**Mr. Conway:** I presume, on that basis, they are to be discussed. I am coming back to counsel's point.

**Mr. Brown:** If you are discussing the recommendations that were made in the board of review report—

**Mr. Conway:** No, I am talking about departmental policy.

**Mr. Foulds:** I am talking about the new manual the minister tabled a few days ago in the House.

**Mr. Conway:** I am talking about new departmental policy. That's all I am here to discuss. For example, I will want to know later on the nature of those changes, the consideration that went into those changes, consequent upon or independent of this report or whatever. Of course, in my view this is mainstream; it's what brings us here.

**Hon. Mr. Auld:** But again this is the problem and the dilemma that I mentioned when I spoke on March 14. We have a pretty thorough report which is critical of a number of things. That board made a number of recommendations. In as much as there is some question as to when the inquest will make its recommendation, I decided we would proceed. However, the problem that Mr. Brown points out is that we have made those recommendations but we are not in a position to discuss the previous system because that is now being looked at by the inquest.

**Mr. Conway:** So what you and counsel are saying is that this Legislature can have no consideration of departmental policy, such as it is, unless and until a coroner's inquest makes a final report.

**Mr. Brown:** With respect, all I am saying is that if you are going, as I see it, to embark upon the reasons which gave rise to the change and the justification for same, it seems to me if you then go into what took place that gave rise to it—the circumstances surrounding the tragedy at Geraldton—clearly some of the changes in the Prescribed Burning manual were dictated by the lessons learned there or the things that happened or did not occur there.

But if one has to analyse whether those changes as set out in the new manual are justified or whether the new manual is going to do the job, you have to go back and look at the evidence. That's all I'm saying. If you are going to embark upon matters of evidence that have been introduced to the jury, in order to follow through the sequence as to how we got to the changes, granted it may be important that you know those things in order to justify the change. All I'm saying is, having gone back into that evidence or those things which give rise to the changes, then you enter upon an area which in my opinion

is an area which the jury is going to involve itself with.

It's going to say: "We don't like the policy. The policy is inadequate. You should do this. Here are our recommendations in that regard." Whether we will comply with potentially all those recommendations is another thing. Certainly that is an aspect of the inquiry which it seems the jury will be addressing itself to; that is, policy, procedures and changes that should be undertaken.

**Mr. Conway:** Two points if I might, Mr. Chairman: that may be well and good for the inquest. As a Legislature, we see changes in departmental policy occurring around us and surely it's part of our mandate to inquire into and scrutinize those kinds of departmental policy changes.

The second point for counsel—and I think this may be as good an opportunity as any to introduce this, at least from my point of view, because I think the concern about the relationship with that inquest is an important one—I don't know whether you, sir, Mr. Minister, or counsel or other honourable members, had the opportunity to acquaint yourselves with what I think is a very important and extremely relevant ruling by Mr. Speaker Rowe on the whole question of the sub judice rule. I refer to Mr. Speaker Rowe's ruling in that connection handed down in the Legislature on July 8, 1977, which I think provides very important direction for us as members of the Legislature. I might, with your indulgence, Mr. Chairman, just cite a couple of points in his ruling of that day.

He says, and certainly one cannot disagree with him: "May I first say as strongly as I can that I know of no authority by which any court can prevent free discussion in this chamber." He goes on to say that a minister "may answer questions or decline to answer questions if he thinks this may be prejudicial to a fair trial of parties before the court."

9:20 p.m.

He says later in his ruling: "No court has the ability to prevent this House from discussing any matter. The freedom of speech which this House claims as a right is not at issue because of the court order. The House, however, imposed restrictions on itself and one of these restrictions is that great care is exercised in discussing matters before the court so that statements here do not deny justice to the parties involved in the courts."

Then he goes on to provide some useful direction to the Legislature in his final recommendation, on which he rests heavily upon a recently completed subcommittee report in Ottawa about the sub judice rule. I could



just summarize by saying that, not withstanding all of that, we as a Legislature should be concerned about the increasing tendency to introduce the sub judice rule and that it is very difficult to strike precise regulations by which means we can be governed in this connection.

He suggests on the basis of this as well—let me just take one particular part of that: "Your committee is of the opinion that precise regulations concerning the application of the sub judice convention cannot be evolved and that it would be unwise to attempt to do so. Your committee recommends that the Speaker should remain the final arbiter in the matter, that he should retain the authority to prevent discussion of matters in the House on the grounds of sub judice, but that he should only exercise this discretion in exceptional cases where it is clear to him that to do otherwise would be harmful to specific individuals.

"In exercising this discretion, your committee recommends that when there is doubt in the mind of the chair a presumption should exist in favour of allowing debate and against the application of the sub judice convention. In the view of your committee, prejudice is not likely to occur in respect of criminal cases and civil cases of defamation where juries are involved."

He concludes by saying, "I can see no reason why similar principles ought not to guide the members of this House." I just cite that for honourable members. It is useful instruction for all of us in consideration of this particular matter. I just reiterate my earlier point, that it is of concern to me to know that as a result of a variety of actions the Ministry of Natural Resources has undertaken, changes in departmental policy will shortly affect the way in which departmental business is carried on.

Quite frankly, I see no problem at all in discharging my responsibility in inquiring of this minister of the crown as to the nature of the input that led to those changes, the nature and extent of those changes and other issues that relate thereto. It seems to me that not to be able to do so fundamentally qualifies my parliamentary duties and responsibilities so as to render the function of the private member as legislator very much a nullity.

Mr. Van Horne: I think we have digressed a little. If I am not right, I would ask your direction or the direction of the committee members, but I think we are getting into an area which, as counsel has pointed out, perhaps we should not. I would

rather ask this general question of the minister:

Could you tell us, Mr. Minister, what is the policy of the government insofar as interministerial communication in the event of tragedy? For example, what was the communication between your ministry, the Ministry of Labour, the Attorney General's ministry or the Ontario Youth Secretariat?

Is there a prescription you follow to cover all or any of the other ministries that happen to be involved in the event of tragedy? In this case it happened to be your ministry, but if it were the Ministry of Energy, is there a blueprint or a plan the government follows to cover all involved ministries?

Hon. Mr. Auld: There is a cabinet committee which deals with major disasters, such as the incident in Brantford.

Mr. Van Horne. Major, meaning one involving loss of life or one such as the Mississauga train incident?

Hon. Mr. Auld: The Mississauga train incident would be in the category of where there is danger to the general public, floods, that sort of thing. In this kind of tragedy—

Mr. Van Horne: Excuse me, does that policy spell out the division of responsibilities?

Hon. Mr. Auld: Who the lead ministry is and who—

Mr. Van Horne: Is that a public document? Could we see that?

Hon. Mr. Auld: I can tell you, the Attorney General is the chairman and it consists of the Ministries of Health, Labour, Natural Resources, Environment, Community and Social Services, Transportation and Communications, and Solicitor General. The OPP radio network, together with ours, can be the major communications program.

Mr. Van Horne: Beyond that, though, is there a policy paper that is public? You have given us a list of ministries.

Hon. Mr. Auld: There is a rundown of who is responsible for what.

Mr. Van Horne: Do you make it up as you go, or is it spelled out?

Hon. Mr. Auld: It is spelled out.

Mr. Van Horne: Where?

Hon. Mr. Auld: I think the person to contact is the Attorney General, who is chairman of that committee, and I would be delighted to pass on to him your inquiry. That does not apply to something like this. This was our own responsibility. I notified and asked the chief coroner to come. Staff



on the spot notified the OPP, which conducts investigations for the Solicitor General. We did not need additional assistance from any other ministry. We notified the Premier's office and the Attorney General and the youth secretariat because of the Experience '79 students.

**Mr. Van Horne:** Did this exist before the Mississauga train derailment?

**Hon. Mr. Auld:** Yes, it is a follow-up from the old Emergency Measures Organization which was disbanded some time ago. This, in effect, took its place.

**Mr. Van Horne:** And all ministries are aware of it, so that in the event something happened in another ministry they would know automatically the procedure to follow?

**Hon. Mr. Auld:** There is a cabinet directive.

**Mr. Van Horne:** In the days that followed after the third week in August, in so far as corresponding with parents who may have been upset or concerned about what they weren't finding out, is that your responsibility or how is that handled? Is that sort of thing spelled out in your government policy?

**Hon. Mr. Auld:** That is what I was trying to indicate. That would be our responsibility within the limits that we had because of an inquest taking place, and also because it was taking some time, and it still has not been established by the inquest as to all the causes and effects. I suppose I could put it that way.

We have done an internal report which has been made public and indicates a number of things, but the dilemma, if I can put it as a layman, is trying to satisfy the need to know of close relatives of any victim of any disaster, and the fact that you don't know sometimes. You don't know accurately perhaps for some little time.

As I said during the chronology of events, in most instances in the experience of those who have been involved in fighting fires, wind shifts are the one unpredictable factor which can cause trouble because they can happen so quickly I have had no experience in this field, but I have visited a couple of fires that were under way and know what happens.

In fact, I was in Dryden two years ago. When we arrived at the airport, there was a whole group of chartered planes lined up. I said, "Where have they been?" They said they were going to take all the extra crews home that day, but there was a change in weather and wind and the fire started up

again. They were there for another week or so.

9:30 p.m.

**Mr. Van Horne:** Just going back to the original question asked about the government's policy, in this instance yours was the lead ministry, the co-ordinating ministry, not the Attorney General's.

**Hon. Mr. Auld:** That is correct.

**Mr. Foulds:** I would like to start by asking some questions about August 23—

**Mr. Bolan:** Mr. Chairman, with the greatest of respect to Mr. Foulds, I had put a position to counsel with respect to prescribed burns and if you would be allowing the minister to answer questions on whether the policy had been breached. I think we were in the process of determining just what the minister's position would be on that. Then Mr. Conway spoke on the matter.

**Mr. Foulds:** Excuse me. With the greatest respect, Mr. Bolan, the Liberals have had three speakers in a row. I indicated at the beginning of the meeting I had some questions I wanted to ask the minister. If Mr. Bolan has lost his chance because of interruptions from his colleagues, I am afraid that is not my fault.

**Mr. Conway:** On a point of order, I think we should establish this. I presume, Mr. Chairman, we are following a normal course of committee routine here and, we allow supplementaries. If that is not the case, let's know about it. I don't want to be unsettling anybody. It was just my impression that we would allow supplementaries.

**Mr. Foulds:** I didn't recognize either your questions or Mr. Van Horne's questions as supplementaries and I don't think the chairman should either.

**Mr. Conway:** I just asked for some guidance on procedure. If we are not going to follow that procedure, then fine.

**Mr. Chairman:** I think in fairness we try to divide up the time. If it's only one short question that Mr. Bolan wants to deal with and if Mr. Foulds is willing to have it answered, then that's all right. I agree with you, Mr. Foulds. You haven't had an opportunity, and Mr. Wildman has made it known he wants to speak on this matter too.

**Mr. Bolan:** I just wanted to put to counsel an argument against his position on the question of whether policy was breached and whether that is a matter which is subject to inquiry at this time. The board of review report, this report before us now, as you know, Mr. Brown, has not gone to the jury.

It's not something for the jury to consider. As such, we are not going into evidence which the jury has in the form as set out in the report, as well as all of these recommendations.

The world does not stop when an inquest starts. First of all, I question whether inquests are part of the judicial process. I really don't think they are. In any event, this committee or the Legislature is not bound by any report of the inquest. Also, the fact that the inquest jury may have views on some aspect does not preclude the Legislature and/or the committee from also having views, particularly when a policy has already been taken in advance of the inquest conclusion.

That is precisely what has happened in this case. The ministry has changed its policy before the results of an inquest, and rightly so, because we don't know how long the inquest is going to last. You have a program you have to look forward to in 1980 and you felt there should be some changes made in the 1979 policy. For that reason, you went ahead and made your own recommendations and you put out your own policy. Probably some of them are based on the board of review report and probably some are a result of your own experiences as to what happened in August 1979. In any event it really is another area.

**Mr. Brown:** First of all, just for your benefit, at the recent Evans inquest in the Ontario Court of Appeal, I believe Mr. Justice Dubin indicated that he thought because cross-examination had entered into the procedure that he was dealing with a quasi-judicial type of proceeding. Apart from that, certainly it's not only my responsibility, and obviously yours, to consider what might prejudice that proceeding and the judicial review proceeding. As you are probably aware, actions have commenced now in the Supreme Court of Ontario for damages.

Maybe I could suggest this: I see no problem in providing you with policies and guidelines and that type of material. Maybe we could await your review of same and your questions arising out of it before we get into any general statement as to our position. Because it may very well turn out that you have some answers forthcoming.

**Mr. Bolan:** I think that is a reasonable suggestion.

**Mr. Brown:** We are certainly prepared to provide you with that information.

**Mr. Foulds:** I want to deal with August 23, because it seems to me to be a crucial date in that a number of decisions were

made. I want to go through a couple of those decisions to understand the role of ministerial responsibility in all this.

**Mr. J. A. Taylor:** Careful now, you're getting close to the point. You seem to be right on the road.

**Mr. Foulds:** If I recall correctly from the minister's opening statement, he said that on the evening of Thursday, August 23, he and the deputy minister discussed the matter and decided to set up a board of internal review of the ministry to investigate the matters with PB-3. Is that a decision that only the minister and the deputy make? Do you consult with any of your cabinet colleagues on that matter?

**Hon. Mr. Auld:** No, that was a decision I made as minister.

**Mr. Foulds:** Had there been instances where something called a board of internal review was set up by the ministry previously?

**Hon. Mr. Auld:** I don't know whether it had such a title. There had not been one set up previously in my term as minister. Whether the nomenclature has been used before, that was the title we struck upon. We did it, as it says, as an internal review board. Dr. Reynolds got in touch with Mr. Seaborn, the Deputy Minister of Environment Canada, which has the Canadian Forestry Service, because we wanted people from outside the ministry who had expertise in forest fires. There are two people in the Canadian Forestry Service who are experts in that. I believe he did that Thursday night or Friday morning.

**Mr. Foulds:** I am having a little difficulty hearing you. Could you speak up, Mr. Minister? Can you tell us why you made that decision when you already had Mr. Kincaid investigating the matter on a regional basis?

**Hon. Mr. Auld:** Because to me a tragedy like this had to be investigated as thoroughly and as rapidly as possible.

**Mr. Foulds:** You didn't feel that such an investigation at any time would prejudice other investigations by the OPP or by an inquest?

**Hon. Mr. Auld:** No, because I think we had a responsibility to look at it ourselves. There may well be further inquiries in the future, but I think it was incumbent upon the minister to take the best action he could as rapidly as he could.

9:40 p.m.

As I said, this is the first fatality—and I can't really describe it—that we have had



for 42 years. The reason I was so anxious is that I don't know enough about firefighting, but at any rate I felt we should be doing everything possible. This is not taking anything away from any other kind of inquiry, but I felt that we could assemble the best expertise in the country.

**Mr. Foulds:** Was there any discussion at the time you made this decision about the necessity for completing such a review in order to come to grips with next year's, what is now the coming season's, problems?

**Hon. Mr. Auld:** The whole purpose was to try to prevent anything like this ever happening again.

**Dr. Reynolds** wants to add something.

**Dr. Reynolds:** Mr. Chairman, perhaps I could just add one word. We have boards of review reports on fires and on quite a number of situations. Normally, I think the minister wouldn't know about them. Indeed, some are held that I probably don't have.

If we have a fire get away from us, or there is some particular aspect—and this happens from time to time—we appoint a board of review to look into it, to try to establish, as in this case, what happened, what went wrong and how we can prevent it happening again. What makes this one different, and the reason that you hear about it, is, of course, the tragedy that was associated with it.

The whole procedure for the holding of boards of review and undertaking them are laid out in our policy directives and our procedural manuals, and we have them under quite a number of circumstances. As I say, normally they are purely internal. They are intended to criticize, to fine tune the machines, and you wouldn't hear about them. There is nothing secret about them, they are just routine operations. This one obviously is much beyond routine, for obvious reasons.

**Mr. Foulds:** I wonder if you could table that policy you alluded to, with regard to the establishment of boards of review, which might be valuable for the committee in future deliberations.

I want to discuss another meeting that took place on August 23, and it is referred to in the compilation by the OPP for the crown counsel at the inquest, and that is the meeting that took place that you mentioned also, Mr. Minister, on August 23 in Geraldton. It was the meeting that was held about 9 o'clock in the evening, according to the OPP report at any rate, with 19 people in attendance, not the eight or nine that you mentioned. Maybe I could get a clarification of that.

I placed on the Order Paper today a written question, because—it actually comes from pages eight and nine in this document—the OPP reported; "In the board room of the Ministry of Natural Resources offices in Geraldton a meeting was held with the following persons to discuss the tragedy and apprise each other of events to that point:

"H. B. Cotnam, chief coroner; R. C. Bennett, deputy chief coroner; Dr. W. W. Wigle, regional coroner; L. Ringham, Assistant Deputy Minister, Ministry of Natural Resources, Northern Ontario; R. A. Baxter, regional director, Ministry of Natural Resources, Thunder Bay; Ron Kincaid, fire control coordinator, Ministry of Natural Resources, Thunder Bay; J. D. Walker, district manager, Ministry of Natural Resources, Geraldton; R. J. Keir, supervisor, information services, Ministry of Natural Resources, Toronto; Doug Spry, personnel branch, Ministry of Natural Resources, Toronto; Adrian Vos, Ministry of Natural Resources, Kapuskasing; Frank L. Wilson, QC, Assistant Deputy Minister, Ministry of the Solicitor General; J. Taylor, fire investigator, fire marshal's office, Sault Ste. Marie; William Wolfson, Ontario Youth Secretariat; Scott McIvor, Ontario Youth Secretariat; Provincial Constable J. A. S. Smith, Ontario Provincial Police, Nakina; Provincial Constable E. R. Linkewich, identification unit No. 16, DHQ, Ontario Provincial Police, Thunder Bay; Sergeant J. W. Dunn, Ontario Provincial Police, Geraldton; Detective Sergeant R. A. Shaw, No. 16, DHQ, Ontario Provincial Police, Thunder Bay; Detective Inspector O. D. Corbett, criminal investigation branch, special services division, Ontario Provincial Police, Kenora."

I want to know what decisions were taken at that meeting and how those decisions were conveyed to you, the minister. I think you alluded to the fact—I didn't quite hear it in your opening statement—that it was decided that the OPP were basically in charge of the investigation as a result of that meeting.

**Hon. Mr. Auld:** Mr. Ringham was at that meeting. Perhaps he can assist.

**Mr. Ringham:** Mr. Chairman, the purpose of the meeting that was called by the coroner—he was aware there were various representatives from various ministries present in the area, and he wanted to determine—

**Mr. Foulds:** Excuse me Mr. Ringham, that meeting was called by the coroner?

**Mr. Ringham:** Yes. He wanted to determine what was the purpose and what was our intent in being at the scene. It was a very brief meeting. He went around the table after



we all identified ourselves and we each gave our reasons for being present. One of our people was from Kapuskasing, and had served as a driver to the coroner's party because the aircraft had been grounded due to weather in Kapuskasing. He was with them and he was providing this transportation. He is listed there.

Mr. Foulds: That was Mr. Vos, was it?

Mr. Ringham: I believe that is Mr.—there were 19 and we haven't included them all here. We didn't include all the OPP officers—there was quite a delegation of them present. But we went around the table and we stated why we were present.

Mr. Foulds: There must have been some decisions made at that meeting?

Mr. Ringham: In regard to the decisions made, it was decided that the chief coroner and regional party wanted to visit the scene of the accident, and we proceeded to draw up plans on how we were to go. If the weather was suitable we would fly right from Geraldton. If it was unsuitable we would drive to Wawong Lake and hope we could fly from there in to the scene, and that is what took place basically.

Mr. Bolan: Just one question: At that meeting, who was in charge of the investigation at that stage?

Mr. Ringham: As far as we were concerned the coroner was conducting the meeting and he was going to conduct an investigation.

Mr. Bolan: Okay.

Mr. Foulds: Then subsequently there was a visit to the site the next morning. Can either you, Mr. Ringham, or the deputy or the minister tell us at what point among that group it was decided that the lead investigator would be the OPP on behalf of the coroner? How was that decision arrived at?

Mr. Ringham: I can't answer that question, Mr. Foulds. I just assumed that the OPP were acting on his behalf. I assume he made that decision.

Mr. Foulds: Was there any referral back to the minister, or does the minister know if there were any referrals back to other ministers about that?

Hon. Mr. Auld: Not that I am aware of. I understand that the OPP, or the local police if it is in a municipality, do whatever investigation appears to be necessary in the case of a death. This is when the coroner is called in. In my own city, in a case of the death of somebody who was being transferred from home to hospital in an ambulance, for instance, where there is no suggestion of foul

play, I guess they just rule that out. My understanding is that where there is any question as to the circumstances of a death the police who have jurisdiction in the area make an investigation. It may be a very cursory one, but that is—

Mr. Foulds: I will tell you honestly why I am puzzled. You had the Assistant Deputy Solicitor General, and it does seem that the decision—and I am not quite sure of the sequence—was very quickly arrived at, that there would be a coroner's inquest, although the actual warrant for the coroner's inquest isn't dated until about a week later. As I recall it, documentation provided indicated it was one signed by Dr. Malcolm, the local coroner.

I suppose I am trying to get to the nub of some of the questions that have been raised in the House about why the investigation by the fire marshal's office seems to have been as cursory as it was. In the Solicitor General's ministry there seems to have been a decision taken by the coroner's office that the fire marshal should back off. The fire marshal has, in fact, kept a watching brief on the inquest and his reports have been reports about what the inquest has determined in relation to his original report.

9:50 p.m.

Hon. Mr. Auld: I am afraid I can't answer that question. That's for my staff, in effect.

Mr. Brown: If I may add something, it is my understanding that last Thursday the Solicitor General, in response to a question, indicated that he thought the fire marshal's office did not have the expertise with respect to the conduct or the fire behaviour. That was one of the reasons why they had not pursued their investigation to the same extent that it was pursued by the OPP or this ministry.

It was Mr. Taylor who probably attended at that time. I am sure I am correct, and it was indicated that he was new to the job and had not had very much experience. I think it was also indicated, or had been indicated, that as to fire behaviour—and that was one of the central questions here—there were very few people, if any, who had the same quality or type of expertise that prevailed elsewhere in the fire marshal's office. That was one of the reasons I don't think the report was as complete as one might have expected. As I understand the report, it is to be continued.

Mr. Foulds: What I would like to know, of either the minister currently before us or the deputy currently before us, is whether there was a decision out of that meeting of

August 23, conveyed to him which either conflicted with or was considered within the board of internal—what do you call it?

**Hon. Mr. Auld:** Board of review.

**Mr. Foulds:** The internal board of review.

**Hon. Mr. Auld:** The setting up of the board of internal review was something that was decided by the minister and the deputy the night before when we were first in contact, and it was quite separate and apart from anything the Solicitor General might be doing or the chief coroner might be doing or the OPP might be doing.

**Dr. Reynolds:** I am relying on memory here, so there is a possibility of faults, but as I recall it now, to the best of my recollection there was a good deal of discussion between myself, Mr. Ringham and Mr. Foster, who had been acting deputy minister for me, and I guess he still was, in fact, at that date, as to what we should do with respect to an internal board of review.

I seem to recall at that stage there was an indication that the coroner probably wouldn't be able to move with his inquest for several weeks. He was involved with other activities, as I recall it. I believe he was consulted, but I am not at all sure of this. I think he was consulted and he agreed that our internal board of review's activities would not prejudice his and could be carried on and would be useful to him. I think that is right, but I really can't say with utter conviction.

**Mr. Foulds:** Mr. Ringham, do you know if there were any minutes taken by the coroner or anyone else at that meeting?

**Mr. Ringham:** It seemed everybody had a pad in front of him, but mine basically consisted of the names of the people who were there. It was very brief. I think he did, but I couldn't swear to it.

**Mr. Foulds:** I would like to ask the minister: Over the last few months has there been any cabinet or cabinet committee discussion of the Nakina fire before Wednesday last?

**Hon. Mr. Auld:** I don't recall any minute, but I think I had indicated on a couple of occasions—I don't remember whether it was in response to a question from a colleague or not—that the inquest was still taking place, and that there was going to be a delay because of the time it was taking to produce the transcript of the inquest to date, which the justice giving the judicial review application wanted before he would proceed.

I was probably going to have to—this would be, I guess, in February—come out with amendments to our prescribed burn

program prior to the completion of the inquest, something I would have preferred not to do for reasons that have been indicated earlier.

**Mr. Foulds:** That prompts a question. Can you clarify what this judicial review is you are talking about? Is that the appeal to the Supreme Court that I gather one of the lawyers has made? Or is there another judicial review? There have been a couple of press reports that I found a little confusing.

**Mr. Brown:** Initially, Mr. Foulds, there was an injunction obtained by Mr. Dubinsky on behalf of two of the families to restrain the coroner from proceeding. Everything stopped at that point. At the same time an application was made to the Supreme Court of Ontario to review judicially the conduct of the coroner in that it was being alleged that he expressed bias in favour of the Ministry of Natural Resources.

A review application seeks two things, as I understand it. One is to prohibit the inquest from proceeding if there is such bias or, if that isn't found, certain things are granted to this minister on behalf of the families, such as recall of certain witnesses, subpoenas and things like that.

That judicial review application is scheduled to be heard on April 17, I understand. This is predicated on our obtaining transcripts of the evidence of the inquest, and we have not yet obtained them all. I don't want to suggest it won't proceed on that date, but one of the considerations in setting it ahead to April 17 was that we would have them.

**Mr. Foulds:** What date are you up to?

**Mr. Brown:** I am going to be the last one, if that is what you are suggesting. I am up to—I can't tell you honestly—I think it is volume seven. It seems I am behind everybody else.

**Mr. Foulds:** Could I ask the minister some questions of policy? In the table that is provided in the orange book there is a dramatic increase in the acreage, if not the number of burns around 1977. About 1977 there is roughly a doubling from 5,000 to 10,000 acres or hectares, so that the prescribed burn is being used more as a regeneration tool. That is referred to in PB-3 as well, in the text. I wonder if the minister could tell us what decisions went into making that decision.

10 p.m.

**Hon. Mr. Auld:** My understanding is that we have been doing prescribed burns since the 1940s and that the increase in those years you mentioned was because we were



doing more regeneration. I haven't the figures before me, but I had the impression the percentage of regenerated land in which prescribed burns were involved would be roughly the same, but there was more regeneration. There were two years when there were no prescribed burns. Those were the two years when we were so busy fighting fires we just didn't have the resources to do it.

**Mr. Foulds:** This report, and I believe the OPP report as well, indicates there was considerable pressure felt, at least psychologically, by staff in the Geraldton district to proceed with prescribed burning, this one in particular, towards the end of the season when the days were running out.

Actually, in a strange kind of way, it reminded me of a situation that occurred to me as a member of the Hydro select committee. Ontario Hydro insists again and again on all safety procedures taking place with regard to the operation of nuclear stations, but we had testimony before that committee that the people in the field, in spite of this, feel the pressure to keep the plants going.

Could you share with us what information the ministry has about this phenomenon that takes place, about the pressure to get the job done, that may in this case—and I think it is quite starkly outlined in the internal report—have led to some haste?

**Hon. Mr. Auld:** I think if that is a good question here, it would be a good question at the inquest.

**Mr. Foulds:** As it has not yet been asked in the inquest—

**Hon. Mr. Auld:** But the inquest has only adjourned. I will ask our counsel what he says.

**Mr. Brown:** I think it is fair to say, Mr. Foulds, the question of haste has been raised in the inquest—the return from vacation of one of the individuals, the senior people who initiated the final go for that burn, the short period of time between that and the burn itself. That aspect of it has been canvassed. I think it is also fair to say the planning procedure started a year before.

The explanations as to why there was such a short period of time between, as I suggested, the final go or when the final decision was made and the actual conduct of the burn are explanations which have been given to the jury, as I understand it. They form part of the evidence. It is my understanding that whole area has been dealt with because it was an important one, the time frame with-

in which these decisions were made and the burn itself was carried out.

**Mr. Foulds:** Let me rephrase the question in another way to see if I can get an answer to what I seek. The only document I have not been able to read over the weekend was your new Prescribed Burning Manual which you tabled on Thursday. Can you tell me if in the new manual you have insisted that the people who plan the burn and design the plan are on the scene to carry it out?

**Hon. Mr. Auld:** I am informed that is the case.

**Mr. Foulds:** That would be one step that is taken to ensure continuity in the description, the carrying out and the finalization of the plan. If I may say so, that is a policy decision which I don't think prejudices the inquest, which I welcome.

Can you tell me why you didn't tell the families about the wind-shift theory change, even if you didn't announce that to the public generally?

**Hon. Mr. Auld:** For the reason I indicated, that at that time the information that was available indicated a possible, probable other reason, but that in itself turned out not to be correct.

**Mr. Conway:** But your press release of August 22, with all due respect, makes no mention of that at all. It is quite definite.

**Hon. Mr. Auld:** That is right, and I suppose if we were to do it over again we would say nothing, except that the cause was under investigation.

**Mr. Conway:** But within a very short period of time you knew, or someone knew in the ministry—

**Hon. Mr. Auld:** No.

**Mr. Conway:** It was known within the ministry. I think I marked on the chronology earlier this evening that within a couple of days it was known to someone that the wind-shift theory may not, in fact, have been as accurate as first thought; the next day.

**Hon. Mr. Auld:** It may not have, that is right.

**Mr. Conway:** That concern was never conveyed?

**Hon. Mr. Auld:** That was announced, I think I mentioned in the chronology, in a press conference the day after.

**Mr. Conway:** Was it conveyed to the parents directly?

**Hon. Mr. Auld:** It was in the media, the local radio station, I believe, and others.



**Mr. Wildman:** Excuse me, for clarification, what was announced, the wind-shift theory or the—

**Hon. Mr. Auld:** The wind-shift theory, at 4 p.m., Thursday, August 23, at the news conference in Geraldton called by the Ministry of Natural Resources. I don't have a list of the media reps present, but as I recall, the local Thunder Bay radio station, among others, was there.

**Mr. Foulds:** Times-News was there, I know.

**Mr. Ringham:** Yes, the Times-News; there was a photographer, I don't know from which paper; there was a representative from the Toronto Star; three people.

**Mr. Foulds:** Some time between then and November 6 there was fairly good knowledge—in fact by October 12, when the deputy minister received the report and he passed it on to you, there was fairly good knowledge within the ministry that the wind-shift theory was shaky, if not erroneous.

This may be an easy question to ask in retrospect, but wouldn't it have been wise for the ministry to convey that to the families to avoid the impression that has been created, that it needed the inquest and cross-examination at the inquest, not by crown counsel but by lawyers representing the families, to get that information?

**Mr. Conway:** And in consideration of the fact that you stated very directly, through the Premier, in his own words in the August 22 statement, "I have asked the Minister of Natural Resources to resolve to do everything possible to assist those involved in this tragic accident"—in view of that commitment.

**Hon. Mr. Auld:** As I said in the course of the chronology, looking back, which is always easier, I think we should have said right from the beginning that the cause would be under investigation, and told the parents that was what we were doing, as I have indicated, leaving no stone unturned and not making a last judgement.

**Mr. Wildman:** May I ask a supplementary? can understand what you are saying, that perhaps it would have been better from the beginning—

**Hon. Mr. Auld:** May I just finish? Even if we were pretty sure of the cause, when an inquest had been announced, the judicial or quasijudicial proceeding, I think there would be a dilemma of telling the parents, that we thought we knew the cause. Judicially, the inquest was going to decide that. If we were to presuppose, and it turned out we were incorrect, we would be in the same position as we are now.

10:10 p.m.

**Mr. Bolan:** You did. You told them it was the wind shift.

**Hon. Mr. Auld:** That's right. As I said a moment ago—and I certainly hope there isn't another one like this—unless the cause of the death is completely obvious, though it's not easy, we should say to those concerned that we don't know what the cause is, that we're not sure but they will know as soon as we are sure.

**Mr. Wildman:** In relation to that, I can understand what the minister is saying. Obviously what he is saying has some importance for the future. If indeed—and hopefully this will be avoided—there were a serious accident in the future, then perhaps it would be better from the beginning to say it is under investigation and we aren't sure of the cause.

But having made the statement that it appeared to be a particular problem that caused the accident, and then to have discovered afterwards that that appeared erroneous, not to say anything to the people involved, or for that matter anything to the public, left an apparently erroneous impression. Rather than doing that, as the minister has said, would it not be preferable to leave it as a completely open question as to what the cause might have been?

Surely once you've come to the conclusion that your original supposition was apparently incorrect, it would be incumbent upon you to express the concern you had over the original statement to those involved so that it would not have to come out, as my colleague said, from the questioning of lawyers for the aggrieved at the inquest.

**Hon. Mr. Auld:** That was some time later on. We changed the release of that night, which said "in a fire they were assisting in igniting in the forest, slash and debris was blown out of control by a shift in the wind," to a probable cause.

I think had we said anything further, right up until the time of a certain amount of testimony at the inquest, we could still have been wrong.

**Mr. Bolan:** I have a supplementary, Mr. Chairman. On that point, you said in your opening remarks that the theory was a probable or possible wind shift. Correct me if I'm wrong, but did you not make that statement right at the very beginning when you were going through the chronological remarks? Unfortunately, we don't have a copy of that.

**Hon. Mr. Auld:** That's the one I mentioned at 4 p.m. on Thursday, August 23.

Mr. Bolan: That's right, that it was a possible or a probable wind-shift theory. Yet when your press statement was released at 9:20 p.m. on August 22—

Hon. Mr. Auld: That was the night before.

Mr. Bolan: No, on August 22 you made a statement.

Hon. Mr. Auld: I made no statement on August 22. The release on August 22, which I have in front of me, starts off: "Seven people were killed this afternoon 65 kilometres north of Geraldton when, in a fire they were assisting in igniting in the forest, slash and debris was blown out of control by a shift in the wind—"

Mr. Bolan: With the greatest of respect, I wonder if you could go back and re-read your statement with the words "around 4 p.m. on August 22." This has to do with a conversation I believe somebody had with somebody by the name of Walker? Walker said that the incident was probably caused by a wind shift.

Mr. Conway: I have in my notes earlier to that—

Mr. Bolan: At 4 p.m. on August 22.

Hon. Mr. Auld: August 23.

Mr. Bolan: No, no. August 22. You had a conversation with Walker.

Hon. Mr. Auld: I was not in conversation with Mr. Walker on August 22. That was the day of the tragedy, the Wednesday. What I indicated was that at 4 p.m. Mr. Foster, the acting deputy minister in Toronto, advised me of the people missing and the possible loss of life in the burn.

Mr. Conway: I stand corrected. I have it down as the first day. I apologize.

Hon. Mr. Auld: I was told of the fatalities by Mr. Spry.

Mr. Bolan: On what date?

Hon. Mr. Auld: On August 22, at 5:32 p.m. roughly.

Mr. Bolan: Could you go back before that, earlier in the afternoon on August 22?

Hon. Mr. Auld: Oh. "At 4:30 Mr. Walker called the region to confirm fatalities and say the incident was probably caused by wind shift."

Mr. Bolan: Okay, fine. Your ministry, at 4:30 on August 22, has information that it was probably caused by a wind shift. Yet your ministry release, which is at 9:20 or 9:30 on the night of August 22, does not refer to probability. It says it was "blown out of

control by a shift in the wind"; then again on the second page "when the wind shifted suddenly." What I would like to know is how it went from probable to a wind shift. Who was in control of making those announcements? Did you authorize the release of the statement and why did the word "probable" disappear?

Hon. Mr. Auld: To try and take those in order, I really can't tell you why that change in information didn't get through to Toronto. As I mentioned, the release was prepared by the information staff in Toronto. I did not see it until the next day, because it was released I think at 9:20.

Mr. Foulds: Mr. Chairman, I wonder if I could just interrupt?

Mr. Chairman: Yes.

Mr. Foulds: Obviously by October 3 it was clear within your ministry that the wind-shift theory was inaccurate, because by that time you told us that the board of internal review was sitting down and writing its report. It sends it to you in its finalized form on October 12. Can anybody tell us when between the end of August and October 3 that was generally known within the ministry?

Hon. Mr. Auld: Dr. Reynolds informed me it was not really until we got the review board's report, which was October 12.

Mr. Foulds: Can I get back to my original question? Having made the mistake in the first place, didn't anybody within the ministry feel the responsibility to convey that information to the families?

Hon. Mr. Auld: I really can't answer that question, but it seems to me that the difficulty again might be perceived as interfering possibly with the inquest. The report was provided, as I have indicated in the House to counsel for the coroner and to the coroner.

10:20 p.m.  
I indicated previously that we did not intend to release it until the inquest had been completed, which we assumed would be perhaps a month after it started. I gather the start was delayed by the health of the regional coroner or other things that he had to complete before he got started. It turned out that there was a longer delay than I had anticipated.

Mr. Foulds: I don't think it is worth going through the question again. If I could just make the point on humanitarian grounds, I feel that your ministry has failed the families on that one minor point, making an error, what Catholics call a sin of omission rather than a sin of commission.



**Mr. Conway:** I want a supplementary on that, because you keep coming back to your concern about the inquest. I suppose that is quite justifiable, but did it not enter anyone's mind that you had left on the public record, for the consumption most especially of those families, information which was known to be very wrong? Did that not enter anybody's head in six weeks?

Notwithstanding what you might have felt about the inquest, did no one in this myriad of officials at any point stop to think that you issued a direct definite statement which just wasn't accurate and you had an obligation to at least seven families to correct that wrong impression?

**Hon. Mr. Auld:** I must say it seemed to me that we had taken at least some steps in doing that the next day. It was a series of difficult decisions not to interfere or seem to be interfering with the process ordained by law to try—

**Mr. Van Horne:** What the hell is more important?

**Hon. Mr. Auld:** —to keep people informed of what appeared to be the latest information, some of which subsequently turned out to be inaccurate.

**Mr. Conway:** Sir, in all sincerity I want you to know I can appreciate that. What I try to imagine and what has bothered me throughout much of this is putting myself in the place of a family who had been told by the Premier of this province that every possible assistance would be provided them. At no point on what I would think is an elemental point of information was the misinformation dealt with in that way. That's my point and I'd like you to respond to it.

**Hon. Mr. Auld:** I think you are being a little unfair in that I believe we had taken steps to correct the flat statement—

**Mr. Conway:** By talking to the parents?

**Hon. Mr. Auld:** No, by the information that was released the next day, which I assume was also made available to the parents.

**Mr. Conway:** With all due respect, you really are too practised a professional group with too much information support. I don't know how much money we provide by way of information services for your ministry, but I certainly imagine it to be in the six or seven digits. If you are suggesting that a press conference in Geraldton that may have been attended by the Toronto Star and the Times-News is the way in which you correct press release information issued from Toronto on a fairly central point, then I suppose we have

an honest difference of opinion. I do not see that as a meaningful redress to the problem.

**Hon. Mr. Auld:** That is where the majority of the families came from.

**Mr. Foulds:** I say this with some regret but perhaps there has been a failure not only by your ministry but also by Mr. McMurtry's. Replying directly to the families by letter, rather than by issuing press releases, might have been a more direct and humane way of conveying information.

**Hon. Mr. Auld:** That is what we did with the senior staff in that area and here—

**Mr. Foulds:** Initially.

**Hon. Mr. Auld:** —as rapidly as possible.

**Mr. Foulds:** I take you to a statement made by Mr. McMurtry in the House, which was almost a throwaway paragraph at the end: "It has not and never has been the intention of the ministry to challenge liability." To this day the families, to the best of my knowledge, have not been personally notified of that.

**Mr. Bolan:** When were the families informed of this?

**Mr. Foulds:** The families did not receive the statements made in the House last week. They received the press reports of them. What is your interpretation of that? How do you deal with people?

**Mr. Brown:** Let me answer, if I may. I undertook to speak with the solicitors for the families in Thunder Bay, if not in Geraldton, with respect to the questions of liability and damages and I indicated what my recommendation was to the government with respect to both questions. I did not indicate the quantum that was recommended, but I indicated that I was recommending we accept liability. There was a consideration of public liability involved with an insurer we have, and that insurer had not been given all the information nor made any response as to its position under its contract.

I can assure you, Mr. Foulds, that I discussed with at least three counsellors the question of liability and I have discussed it with them since the initial occasion. I must admit they have been after me to state some position on behalf of the government as to the position it is going to take and how much money it is going to provide in settlement of these claims. Last Thursday I contacted some of the solicitors to advise them as to the official position. If there's some fault you can lay it at my feet, but it was not left until this last statement to give some indication as to our position on liability or the position we intended to take with respect to it.



**Mr. Foulds:** It is my understanding there has never been a clear statement. Does it take all these months for the ministry to come to that decision? Surely a lot of the anguish and perhaps a lot of the dragging out of the inquest could have been avoided if the ministry had taken a clear position much earlier than last Thursday.

**Mr. Brown:** I don't wish to get into an argument with you. If there's some fault, I am prepared to accept the blame. As far as I am concerned I did approach those people. I extended an opportunity to discuss the question to one other solicitor—I won't mention any names—who did not take me up on it. I have been advised by at least one solicitor that, regardless of the position on liability, that doesn't end it because the writ has been issued in that particular case and he is going to pursue the question of exemplary and other damages. So I take it from that conversation that the matter is not at an end—that it will continue to be pursued.

I cannot justify all the time intervals that occurred. As I said, I'm prepared to accept that, but I did approach that subject and certainly long before the statement was made in the House.

**Mr. Foulds:** Supplementary: I have two other areas of questioning—

**Mr. Chairman:** There are three people here who never got a chance to ask questions tonight. We agreed that we will not meet until we have a subcommittee arrange the program. I do not want to make anyone feel embarrassed. It's not my fault that you did not get a chance to ask a question but, on the other hand, I do not like to cause any restraint. If anybody has something in mind, if they want to ask a question, I don't think it's my place to interfere until they have an opportunity to be heard. I just wanted you to know that. I'm trying to be fair to all concerned.

10:30 p.m.

Being 10:30, the meeting will adjourn until further notice on this item. If you care to nominate the representatives you want as a subcommittee then we can draw up a program and bring this up at a later date. In the meantime, we are meeting with the Ministry of Energy tomorrow on estimates at 10 a.m. in room 228.

**Mr. Foulds:** Mr. Chairman, may we make our nominations to you first thing tomorrow morning as representatives for the subcommittee and arrange for a meeting of that subcommittee?

**Mr. Conway:** On that point, is it the intention that we will now break this and go

forward with the Ministry of Energy estimates? It would be my hope that we could arrange a subcommittee to sort out some of the administrative details that we have begun here tonight as to who is going to be heard when. I would like to think we should continue in the direction of the motion that was accepted here some days ago. I do think there is benefit in a steering committee to structure the business of the committee from this day forward.

**Mr. Chairman:** Mr. Minister, perhaps you can state the reasons why.

**Hon. Mr. Auld:** Mr. Chairman, I'm quite happy with that arrangement providing, ideally, that we can have about a week's notice to gather people in. If it was possible to give us some indication of the kind of documentation that you might want along the lines of Mr. Bolan's question through that subcommittee then that too would be helpful to both the ministry and the committee.

**Mr. Conway:** That's an important point. I would be very concerned that we try to function in a parallel capacity moving from this reference to the Ministry of Energy, then back to this reference. I think it would wreak considerable havoc for both processes at the same time.

**Hon. Mr. Auld:** I'd sort of like to get the Aggregates Act in here some day, too.

**Mr. Bolan:** We'll get to that. The other thing is we've started this. There is some information which is coming out and which is going to be disseminated by the public and, frankly, we should finish this as soon as we possibly can. We just don't want to leave this hanging.

I would suggest that the steering committee meet tomorrow and we get back here on Thursday, because I'm sure the next session will very easily be occupied, once again, by yourself, Mr. Minister.

**Mr. Riddell:** Then why don't we have it tomorrow?

**Mr. Bolan:** Fine, I don't care.

**Mr. Riddell:** If we need another session with the minister alone then why don't we go at it tomorrow?

**Mr. Chairman:** The decision is up to the members of the committee. What do you want to do?

**Mr. Eaton:** Is the minister available with most of the staff tomorrow?

**Hon. Mr. Auld:** No, not tomorrow morning, particularly counsel.

**Mr. Foulds:** Counsel is not available tomorrow morning?

**Mr. Brown:** I had a problem that I thought was going to be resolved today, and be heard in court, but the matter has been put over until tomorrow morning. That is my difficulty.

I was going to add that, with the benefit of some short period of time, to allow us to respond to the paperwork which Mr. Bolan had referred to—and there must be others—it seems to me we could identify for you any positions we would like to take with respect to it in relation to information that has gone before, the same information having gone before the coroner's inquest. It might assist in shortening the time period if you have that material, to be honest with you.

**Mr. Eaton:** Could we make the decision now, Mr. Chairman, to proceed next Tuesday,

Wednesday and Thursday? That's the normal sitting time of this committee. If we start in on Tuesday night we can keep going and keep working at it. We would know a week ahead of time.

**Hon. Mr. Auld:** It's fine by me.

**Mr. Wildman:** Obviously we can't proceed without counsel.

**Mr. Chairman:** Is that satisfactory to all concerned? Mr. Minister, does that meet with your approval? Okay, so that's 10 a.m. tomorrow on Energy estimates, and next Tuesday, Wednesday and Thursday is allocated to this particular committee.

The committee adjourned at 10:37 p.m.

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SPEAKERS IN THIS ISSUE

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Auld, Hon. J. A. C.; Minister of Natural Resources (Leeds PC)

Bolan, M. (Nipissing L)

Conway, S. (Renfrew North L)

Eaton, R. G. (Middlesex PC)

Foulds, J. F. (Port Arthur NDP)

Martel, E. W. (Sudbury East NDP)

Riddell, J. K. (Huron-Middlesex L)

Taylor, J. A. (Prince Edward-Lennox PC)

Van Horne, R. (London North L)

Villeneuve, O. F.; Chairman (Stormont-Dundas-Glengarry PC)

Wildman, B. (Algoma NDP)

**From the Ministry of Natural Resources:**

Brown, D., Counsel

Reynolds, Dr. J. K., Deputy Minister

Ringham, L., Assistant Deputy Minister of Northern Ontario











No. R-2

# Legislature of Ontario Debates

## Official Report (Hansard)

Standing Committee on Resources Development  
Estimates, Ministry of Energy

Fourth Session, 31st Parliament  
Wednesday, April 9, 1980

Speaker: Honourable John E. Stokes  
Clerk: Roderick Lewis, QC

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# LEGISLATURE OF ONTARIO

## STANDING COMMITTEE ON RESOURCES DEVELOPMENT

WEDNESDAY, APRIL 9, 1980

The committee met at 10:19 a.m. in room 228.

### ESTIMATES, MINISTRY OF ENERGY

**Mr. Chairman:** Mr. W. Newman is here, so we have a sufficient number for a quorum. As all parties are represented I will call this meeting to order.

We will start with our usual procedure, Mr. Minister. You may have a statement to make.

**Hon. Mr. Welch:** Thank you, Mr. Chairman and members of the committee. As you know, it has been only five months since we last had the opportunity to go through the estimates of the Ministry of Energy. Indeed, a lot has happened in the last five months and our programs over the coming year are designed to build on that particular progress.

Yesterday in the House I announced that during the Legislature's review of my estimates I wanted to share with members and the public generally some aspects of the programs in which our ministry is involved. So next door, in room 230, we have endeavoured to provide by illustration—by a variety of brochures and booklets and by various exhibits—some sampling of the activities of the Ministry of Energy.

I might also say committee members are invited to visit the Energy bus, which will be out in front of the Legislature following our noon-hour adjournment today. Members may like to know that this bus has been in service since 1975 and visits the premises of companies operating in the private sector, in order to identify for them some potential energy savings. I am advised that since 1975 the Energy bus has made 2,100 visits and has identified some \$54 million in potential energy savings, which happens to be 14 per cent of the total energy bills of those companies the Energy bus has called on.

I think it's also important to appreciate that the activities of the Ontario government in the field of energy are not restricted to the Ministry of Energy alone and that is as it should be. It's an emphasis which I really want to underline. Indeed, that's why the whole concept of Energy Ontario has been

developed. It's a concept—a symbol—to signify the very broad range of activities and programs and projects which 14 different ministries in the government now have under way.

Energy Ontario is designed not only to give the public a better appreciation of the full range of activities across government, but also to give those public servants within the government who are involved in individual projects a feeling of corporate identity; a feeling that their individual contribution is really part of a larger effort and that they're working towards a common objective, that is energy security in the province of Ontario. We happen to believe that Energy Ontario will give that sense of contribution and identification.

I would like to say that within the next few weeks I hope to publish a compendium of the wide range of energy activities which are now under way throughout the whole government.

**Mr. Chairman,** energy involves so many aspects of our society, as members will appreciate, that any review of current activities can—in the time available during these estimates—at best be superficial. While I know that individual members will wish to raise some specific issues, I hope enough time will be available for me to share with members and to engage in some dialogue with them in a number of specific areas. For example:

1. The role of electricity in our society.
2. The opportunities and the issues surrounding synthetic liquid fuels and energy from waste.
3. The whole question of substitution for oil, be it natural gas, be it electricity for home heating, the whole area of substitution for home heating.
4. The expanding role of the Ontario Energy Corporation.
5. Finally—but by no means is this a complete list—I would like to review two outstanding initiatives in energy conservation: our save-heat program and our program with the municipalities.

The annual report of the ministry and its agencies will be tabled as soon as it is avail-

able. Two policy documents provide the basic framework for the ministry's activities. They are Ontario's Energy Future, published in April 1977, and Energy Security for the Eighties, a policy paper published in October 1979.

In brief, each of these documents recognizes that nonrenewable energy resources—crude oil, natural gas, coal and uranium—are nothing more and can be nothing more than an interim source of energy. They are no more than a bridge between the renewable energy resources of the past—wind, water, wood—and those of the future. Accordingly, our energy policy has to be shaped with these factors in mind. Perhaps even more important, it involves the managing of our resources within that particular context.

For purposes of energy planning, we found it useful to define a three-phase time frame; what we call the near term, then the long term, and then a transitional phase between those two. The transitional phase will obviously overlap both of the other phases and will be marked by an increasing emphasis on renewable resources and a decreasing reliance on nonrenewable resources.

The specific duration of each phase can be estimated, but is susceptible to considerable error. The important consideration, of course, is the perception. The "near term" is defined as being the interval in which we will continue to depend overwhelmingly on nonrenewable sources of energy. The reality is that the near term will not be very short.

10:20 a.m.

As our publication, Ontario's Energy Future, stated: "A rather sobering implication is that for some 50 years we will be primarily dependent for our energy supply on coal and uranium, and crude oil and natural gas from conventional and frontier sources supplemented with synthetic oil and gas from the heavy oils and oil sands of western Canada."

The long term is defined as a period in which we will have moved away from nonrenewable energy sources and will overwhelmingly rely upon renewable and recoverable sources, as well as on those sources from which fuel will likely continue to be available, such as fusion and advanced fuel cycle reactors, which would extend the useful life of uranium as an energy fuel source well into the long term.

So the start of the long term is highly speculative. All of the technology has not yet been developed and, in spite of the worldwide commitment to renewable energy research and development, I suggest the lead time is likely to be long.

As our report, Ontario's Energy Future, stated: "The long term is likely to be characterized by the widespread utilization of such manufactured fuels as hydrogen, synthetic methane and methanol. Transportable, high energy-content synthetic fuels are currently the most promising long-term source of energy for specialized use such as, for example, aircraft propulsion. Electricity may be used to produce hydrogen. Biomass technology, relying on plant and animal material as a source, may prove to be a means of producing large quantities of synthetic fuels."

The transitional phase is a period in time during which those actions must be initiated and completed that will result in the transition from a major reliance on nonrenewable energy sources to a major reliance upon energy sources that are classified as renewable and recoverable. In other words, the transitional phase will correspond in time with the near term, but the greatest effort can be expected to extend from about the mid-1980s to about the mid-2010s.

The increase in intensity of activity in the transitional phase will necessarily be gradual. A major undertaking will be the pressing back of the energy-related technological frontier. Money and manpower inputs can only be usefully increased as fundamental research and laboratory work proceed through the pilot and demonstration project stages to plants that are capable of producing economical energy on a commercial scale.

Public policy formation in the transitional stage will be difficult. Judgements will have to be made between projects that will expand the availability of the conventional fuels of the near term and the anticipated requirements of the long term in which nonrenewable resources will have been depleted and failure to have provided an acceptable alternative will spell disaster.

In summary, the policy objectives of the near term and the long term have to be seen as the same. Both are directed to providing the consumers of this province with secure and adequate supplies of energy at the lowest feasible cost.

Clearly, the transitional phase has begun. In fact, it has begun with greater intensity than even envisaged in 1977 at the time of the publication of the report, Ontario's Energy Future. There is no doubt that in the near-term security of crude oil supply is Canada's number one energy challenge. We cannot at present produce enough crude oil to meet our needs from domestic sources at a time when foreign crude oil supplies are



increasingly expensive and their continued availability cannot be guaranteed.

Canada's supplies, however, of natural gas, coal and electricity are secure for the foreseeable future. In the circumstances, energy-policy planning must involve a combination of near-term transitional and long-term objectives.

As set out in our Energy Security for the Eighties policy paper, the government's response to the crude oil deficit includes a national plan for crude oil self-sufficiency by 1995; a position on natural gas supply and pricing; the need for measures to assist consumers and industry to adjust to higher oil prices; the need for a national petroleum company; increasing Ontario's ability to meet more of its own energy needs and limiting Ontario's use of petroleum.

While we in this province cannot assist directly in achieving crude oil sufficiency by increasing supplies of crude oil because we don't have significant oil reserves of our own, we can and indeed we must help in other ways.

First, we can reduce our requirements for oil by substitution of other fuels: For example, natural gas, electricity, coal, propane, energy from waste materials and renewable resources. Second, we can reduce crude oil consumption through conservation.

Ontario has set four major policy goals which provide a range of activities appropriate for the near term and the transitional term, leading to greater dependence on renewable energy. These policy goals are as follows:

By 1995, Ontario will supply at a minimum 35 per cent of its primary energy from sources within the province, a 55 per cent increase over the next 15 years. By 1995, at least 15 per cent of Ontario's energy will be from renewable and recoverable resources. By 1985, the growth rate for all forms of energy will be no more than two per cent. Finally, by 1985, the growth rate for petroleum will be zero per capita without sacrificing economic growth.

The recent throne speech outlined the range of activities which the government intends to undertake this year. Two weeks ago, I announced our energy from waste program and released an important program document. Just prior to that, I announced the establishment of a special task force on hydrogen and a feasibility study for the production of methanol and wood energy in eastern Ontario. I also announced a five-year \$4.9 million save-heat program designed to assist home owners in 60 communities across the province to

identify whether and where their homes needed to be insulated. So the range of activities, as you can see, is broad and expanding.

I am pleased to be able to say that this coming year, as you have seen in the estimates, 80 per cent of this ministry's budget will be dedicated to energy conservation and renewable energy activities. In recognition of this fact, I announced the other day an organizational change to reflect this growing importance and indeed this emphasis and these priorities; namely, an assistant deputy minister of energy conservation and renewable energy in the person of Dr. Ian Rowe; a director of renewable energy, Dr. Robert Higgin; and a director of energy conservation, to be appointed within the next few days. In addition, 47 additional staff positions have been assigned to the Ministry of Energy during the past few months.

I don't wish to leave the impression that the Ministry of Energy, or the government of Ontario, is or should be the only participant in energy planning or, indeed, in the supply of energy as we move from the near term into the transitional phase. Most of us would agree that that impression would be wrong, as it would deny legitimate opportunities to those in the private sector.

There is no doubt in my mind that investment in renewable and recoverable resources will become more attractive over time. Equally there is no doubt that it will be risky, but we have to be prepared to take risks. Of course, having said this doesn't mean that we have to err on the side of being foolish.

Our experience to date would suggest that the private sector is quite willing to make investments in renewable energy ventures and I am a bit confused by the attitude of some who would appear to be arguing that the taxpayers' money, and the taxpayers' money alone, should be dedicated to this area. In my view, the public interest is best served if the private sector makes a substantial contribution and assumes some of the risks in these developments.

10:30 a.m.

Indeed, I would remind you, Mr. Chairman and members of the committee, that companies like the Ontario Paper Company, Continental Can, General Motors, Weston's, TransCanada Pipelines, Consumers' Gas, NordFibre, Tricil, Anderson Flax, Huron Ridge and many more are, right now, all participating in energy from waste type projects and all are sharing some of the risks. The taxpayer doesn't need to assume all the risks. It's wrong, in my opinion, to



suggest that the taxpayer should alone have that particular obligation.

It's equally wrong to suggest that the Ministry of Energy or the government are not committed to an active renewable energy program because it encourages the private sector to participate and to share.

The security of supply of energy at affordable prices has to be one of the great challenges which this country and this province, as part of this country, has. Of course, we would agree energy is more than a means of transportation or heat or a mode of power. It really is part of the definition of society itself. It helps to shape and determine the kind of society, the quality of life we've come to know and to expect and to enjoy.

It's within that context that I see my responsibilities and it's within that context that I look forward to discussing, in the next several days, with members of this committee these particular issues as we review the ministry's estimates for 1980-81.

Mr. Chairman: I believe normally the official opposition responds first, but as Mr. Reed is not here it would be favourable to let Ms. Gigantes go ahead.

Ms. Gigantes: I won't be official and I don't think I'll provide much opposition to the minister's opening statements. There are a few points I'd like to raise. I will be brief; I don't think I'll be very poetic.

It heartened me to see in the throne speech the priority which the minister and the ministry and the government are proposing to put on what is generally known as conservation, though I'd prefer to call it energy efficiency; I think it has a more positive tone. The minister might consider adopting that positive phrase in the statements he makes to the Ontario public over the next several months. I think it's a good way to think of the kinds of programs to which he is committing the government.

I was pleased by that emphasis in the throne speech. I am pleased when I look at the estimates for the Ministry of Energy and see an estimated doubling in the amount of moneys which will be devoted to the work of this ministry over the next fiscal year. As in the past, I think we have to take those figures, those estimates, with a grain of salt. The last actuals that we had for expenditures by the Minister of Energy were for the fiscal year 1978-79. In several of the most important categories there was a severe underspending of the allocations which had been approved by this committee and the Legislature for expenditures by the ministry.

I think in particular of the renewable energy and energy conservation programs,

which were grossly underspent when we looked at the actual figures from 1978-79. Because of the proximity of these estimates to the estimates for the previous fiscal year, we don't have available the actual expenditures for the year 1979-80.

I think it would be important for us to get hold of those figures as quickly as we can so that we can have an opportunity to see exactly how well the ministry did during that fiscal year and therefore be able to have some understanding of how real the estimates we passed for the last fiscal year were in terms of the moneys expended in ministry programs.

Again, I would stress, particularly in the renewable and energy conservation categories, as I look through the estimates and the background material which has been presented to us, we don't have an awful lot of flesh for the programs which are being touched upon in this fiscal year and which are outlined in the Energy estimates.

There are very few figures attached to the generalized descriptions of programs. We don't have a good grasp on the development of the ministry. We know through recent announcements that there have been some changes at the assistant deputy minister and director level in some important programs, but we don't have an overall view of what has been happening with this ministry since its inception. I think that's an important kind of light that we need to cast on this ministry.

It has been in past years the position of the minister—and as far as I know it hasn't changed—to say that the Ministry of Energy of the province of Ontario is a co-ordinating ministry. In the past what that phrase meant was that the ministry itself did not initiate; the ministry was the oiler, the promoter, the easer of good works that were carried out in and through other ministries. That has been part of the problem we've seen in two programs of, I think, high concern to the public of Ontario—renewable energy and energy efficiency programs.

We saw when we looked at the estimates last year that, in spite of the allocations which we had approved, the moneys for those two programs had not been spent. The underspending in some cases amounted to 45 per cent of programs which were not huge to start with.

The problem arose because initiatives by other ministries which had been expected, and for which allocations had been made in the Ministry of Energy estimates, had not gone ahead. Part of the underlying reason for that seems to have been the government's desire for cutbacks in general and the reluctance of

ministries other than the Ministry of Energy to take on new building programs and new spending initiatives in particular.

I'm concerned that when we look at these estimates we not be lulled into a sense of satisfaction by the fact that the 1980-81 estimates are \$30 million, or double the 1979-80 estimates, which were roughly \$15 million. We don't know yet how much of that \$15 million was spent or really how effectively it was spent. We'll need to get those accounts.

In the discussions that the critics for the opposition parties had with the minister and the deputy minister before the beginning of these estimates, we had the opportunity to indicate to the ministry a number of areas where we sought information which had not been provided in the estimates. These questions went beyond matters of accounting and a description of what had actually happened in spending by the ministry in the 1979-80 period.

A number of the questions I listed, in the hope that we could get answers before these discussions began, were questions which would have given us more information about the uses of energy within the province over recent periods. For example, the use of energy by sector—residential, commercial, industrial—and the use of energy by type of energy—oil, gas, coal, electricity and renewables.

10:40 a.m.

We haven't been able to get that information yet. I was told in a brief communication that though there are figures gathered by the gas industry from StatsCan material about the growth rate, which has been negative in the amount of natural gas used per residential heating unit over the last few years, as yet there is no comparable information for electricity or oil. The ministry has not gathered together that information. I am assuming—and I stand to be corrected on this—that if it's possible to do it from StatsCan figures for natural gas, it's also a fairly easy calculation to do from StatsCan figures for oil and electricity.

That's merely one sector of use, Mr. Chairman. It's an important sector and it's one we hope to be able to influence in terms of lowering demand over the next several years. I think it's very important for us to have that kind of information broken down, not merely for residential heating purposes, but also for transportation and industrial purposes, to know exactly how we are using energy in this province and what the trends are in the growth rates for the use of particular kinds of energy forms within each sector.

I think that will give us in this Legislature an ability to understand better the patterns that exist and the trends that are developing in energy use in Ontario. I think it's material to which this ministry should begin to pay a great deal of attention.

I am in a sense repeating a theme I raised with the minister in estimates in December 1979. I think in order for us effectively to undertake planning for energy in Ontario and the future of energy in Ontario we have to understand, in a very sophisticated way, what we need energy for. That means to find out what we currently use it for, what forms we use it in, and what areas we can most easily affect in terms of demand.

If we move on from that analysis of energy demand, we acknowledge the targets which the ministry has published and set for itself in Energy Security for the Eighties, a document of September 1979. We understand there that the target, as the minister has just repeated to us, is that by 1985 we will reduce the overall demand for energy to a growth rate of no more than two per cent per year in Ontario and, further, that we will reduce the growth rate for the consumption of oil in Ontario to zero per cent per capita by 1985.

Hon. Mr. Welch: The only increase would be increase in population.

Ms. Gigantes: I don't ever recall having seen the per capita rider.

Hon. Mr. Welch: It has always been there.

Ms. Gigantes: I have missed it constantly. In any case, Mr. Minister, I'd like to understand a bit more about what those targets mean. We have talked about them in general, overall terms now for several months. I'd like to understand what the minister and the ministry mean by those figures. That they are per-capita figures is something I hadn't realized. It's not because I haven't looked at them long enough or scratched my head over them long enough, it's just that point has never got through to me.

I notice that a statement Hon. Mr. Auld made is attached to the estimates this year. This statement is dated April 27, 1979, which is roughly a year ago. He described the rate of growth of demand for energy in Ontario as 2.9 per cent over recent years.

I would like to know if that was calculated on a per-capita basis. And I'd like to know why it is, when I work out the figures which were provided to me by the ministry before these estimates about the overall demand for energy, year by year, in Ontario, the average for the last five years comes to 2.4 per cent.



I'd like to know what those figures mean in real terms. I'd like to know what kinds of judgements the minister and the ministry are making now about the figures which have been accumulated over the last five years for demand in energy, because there have been wide vacillations in the year-by-year estimates of the use of energy in Ontario.

In the last three years—I don't have the figures right in front of my nose right now—there was a period when we had a negative growth; one year we had a rather substantial negative growth in the use of energy in Ontario. I'd like to know what those figures mean.

We are talking of trillions of joules and enormous quantities of energy, but what is the significance of these figures that we have as actuals, if you want, for our recent past? How do they give us any indication of whether we are going to be able to meet a two per cent increase in the demand for energy on a yearly basis by 1985, even on a per-capita basis?

I'd like to get the minister and the ministry to address those figures in a way that we can get our teeth into and begin to discuss in some kind of rational sense. I'd like to understand in terms of the target which has been set for the growth in oil consumption for 1985, in this case zero per cent target growth rate, how we are doing on that goal. What is it about the trends in the recent years that leads the ministry to expect that we can reach it? What are the most important elements in reaching that goal? I'd like to understand more about how that is supposed to be arrived at in 1985.

I would like to turn to another element of the throne speech, Mr. Chairman, and also the minister's statement to us today. We have had a very deliberate and practical kind of outline of the concern of the minister and the government to see energy efficiency—conservation, as he calls it—become the number one program in Ontario in terms of helping us to achieve energy self-sufficiency in Canada and helping us to achieve our targets for energy produced in Ontario. But within that goal, or following on that goal, we don't see structures emerging in a clearly defined way that are going to help us achieve an overall program that's going to have a major effect in Ontario.

If I refer you back, Mr. Chairman, to the document of September 1979, *Energy Security for the Eighties: A Program for Ontario*, there is reference on page 10 of that document to the ministry's intent to set up a renewable energy development corporation.

Here I am skipping from energy efficiency to renewable energy, but in some ways I feel the two are interlinked and we should be looking for institutional forms that are going to help us achieve both. I'd like to know what they are.

The description of the renewable energy development corporation we have in that document is of a corporation which would involve the efforts of Ontario Hydro and private enterprise. In particular the efforts of the oil companies are cited as being a source of some of the private-enterprise initiatives that would be incorporated into the operations of the renewable energy development corporation.

10:50 a.m.

I am interested in that proposition because, as you, Mr. Chairman, and the minister will be aware, the role of Ontario Hydro in our energy future—quite apart from its existing role in the production of electricity for consumers of Ontario—and the potential for an expanded role for Ontario Hydro in our energy future, very much interest me. It is a subject to which the Porter commission addressed itself. The Porter commission suggested, in fact, that there should be an expanded mandate for Ontario Hydro so that Ontario Hydro would have a defined role in helping us meet our energy goals, more than simply providing us with electricity.

I would like to know what's happened with the idea of the renewable energy development corporation. I'd like to know whether there is a concept emerging in the minister's mind, or in the minds of the people in the ministry, about the development of an energy-efficiency utility—if I could describe it that way—or, in the minister's terms, a conservation utility. Will there be a role, either for the Ontario Energy Corporation or for Ontario Hydro, which will be clearly defined as being a role of overseeing and instituting new programs for energy efficiency in the province?

These two questions seem to me to be linked. It seems to me terribly important to be able to see where the institutional initiatives, urges, administrative oversight and quality assurance of programs are going to come from in this province. I don't think we can afford, in 1980, to ramble along with the Ministry of Energy which considers its role to be very much the same kind of role as we've seen in the past, with initiatives here and there, helter-skelter. There are enough initiatives in renewable-energy technologies and in energy-efficiency programs that the minister can always draw up a long list, and



enough feasibility programs going on and task forces, and so on, that all bases are covered, as it were, any time a question is asked about what is being done in a particular area of energy efficiency or energy supply. But there is no overall kind of planning and program effort that can be identified as having a responsibility resting in a given organization.

This ministry has been a co-ordinating ministry for too long, it seems to me. It's time that it became an administering ministry as well as a co-ordinating ministry.

We had a discussion during December's Energy estimates about the development of programs, particularly in the energy-conservation and renewable-energy fields, in which the deputy minister put forward the position—I think quite rightly—that's difficult to gear up for massive investments and large-scale programs, either of an initiating type or of a participating type, by this ministry if the personnel doesn't exist.

Well, the personnel hasn't been built up fast enough. I don't know what the current level of personnel or the current overall level of expertise is within the ministry. I'm certainly aware of newspaper ads which have called for applications by skilled and experienced people in areas where the ministry would like to develop programs. It's a very slow process and one doesn't get a sense of how it's all going to fit together.

I don't know either, nor have we had any real indication of it, what is going to flow from the Ontario federal-provincial accord and funding agreement developed in June 1979 to undertake initiatives in the energy-efficiency and renewable-energy field. We haven't had any outline of how that \$58 million is going to be spent over five years. We'll be soon at the point where one year of that five years is gone, and we don't really have an outline yet from the minister or the ministry or the government about where that \$58 million is going to go, and on what basis it will be allocated.

We know, for example, that Ontario will be allocating \$4.9 million on the save-heat program. That's fine. That's \$4.9 million. Is some of that money coming from the federal-Ontario agreement? We don't know. There's been no identification in any of the initiatives which have been outlined to us for the next year or two years. Obviously, some of these programs will go on longer than that. There's been no indication of whether any of the federal-provincial \$58 million is being divided up in those programs.

I think we should have an outline of how that money will be spent, and of the ad-

ministrative structure that we can expect to see developing under the authority of this ministry for the implementation of these major emphases in the areas of energy efficiency and renewable energy.

We again hear from the minister the phrase that we are talking in the short term about the bridge to the long-term technologies which will be renewable and which will bring us to the brave new world of Ontario energy. I still have reservations about how fully committed we are to getting off the bridge and on the other side, as opposed to building that bridge forever and a day. The time horizons that the minister outlined for us this morning in his opening statement are flexible.

**Mr. Wildman:** It's an extension bridge.

**Ms. Gigantes:** Yes, perhaps it's an extension bridge.

It's obvious that one has to be flexible. But I do think when we look at where most of the \$11 billion spent in Ontario every year on energy is allocated, we'll have to admit that most of it is spent on sources and technologies that the minister would have to call "bridge" sources and "bridge" technologies.

The effort and enthusiasm that the minister is rousing in the public of Ontario and here in the Legislature concerning the other side of our future, when we get to that far shore, is admirable. But I think we're going to have to see more practical, tangible kinds of commitments of moneys, personnel and organization to be able to feel that somebody has sighted the far shore, and that there is the possibility of getting that final span in and getting us over to the other side.

Again, I want to stress to the minister that the organizational framework in which these programs are to be effected must at this stage be a high priority for his consideration. For example, I think that the recent description of the restructuring of the Ontario Energy Corporation with its four areas of subsidiary corporations is simply too much a hotchpotch to be able to earn the name of what I would call a good energy-efficiency utility or organization which can take on the development and implementation of a renewable energy future in Ontario.

11 a.m.

Those efforts look scattered; they look drawn together more by circumstances than by planning. I guess we will come back to that discussion when we deal with the moneys which will be spent by the energy corporation this year.

The throne speech placed a lot of emphasis on the government's feeling—announced policy, in fact—that we in Ontario would be looking for the development of greater reliance on natural gas and electricity in the future as we became able to deal with the scarce, expensive oil situation developing around us in this country and in the world.

While it is fine and somewhat reassuring to talk about having greater reliance on natural gas and electricity—and it would be nice to be able to place greater reliance on natural gas and electricity—I think we have yet to see any explication by the government how this is to happen, or indeed any real program to make sure that, if we do place our reliance on them, natural gas and electricity are going to be there for the energy we need in Ontario and at the prices we can afford.

If there is one thing that has pleased me over the last several months, it is the distinct feeling I get that with this minister the ministry has begun to take a lead in Ontario in educating us as legislators and various sectors of the general public about the fallacy of looking for the new energy fix that will solve all our problems. I say that with some reservations, because every now and then the minister or some representative of the government or its agencies will make a speech in which electricity becomes the fix for the future. Electricity becomes the substitute for oil, and the Ontario Hydro nuclear-development program becomes the fix that we are seeking for the future.

I do think the minister has shown himself capable of getting away from that syndrome. I welcome that. I would hope he can avoid the temptation to slip back into what I would call a retrograde kind of position on this subject.

In that context I would just like to raise my concerns about two new and trendy propositions that have been placed before us in the last few months. One is that hydrogen produced principally by nuclear energy will provide us with a fix for the future, and in response to this notion a task force on hydrogen has been set up.

I think we have to take the hydrogen future in perspective, Mr. Minister, and I hope you will do that. I hope you will not be tempted into trying to lead Ontarians to the belief that hydrogen is going to solve our problems, that it will use up our spare nuclear capacity and that all will be well with the world. I look forward with interest to the report of the hydrogen task force and will have questions to raise about it later.

The second project which is of concern to me is this latest pitch that Ontario should

be out there competing, together with other Canadian provinces apparently, in an international competition for the siting of fusion-power experiments and a fusion-power demonstration project. One figure I have seen associated with that project, and I have no idea how real it is, is \$300 million. That's just for starters.

Fusion is another fix and I think we in Ontario have to avoid a temptation, because we have a multitude of energy problems, to look for the simple answer. I don't like fusion, I will say it to you now, because it is the same kind of energy-supply—big-dollar, mega-project—commitment that has led us to the point we are at now in Ontario where our biggest problem is demand, not supply. If we can do things about demand we are going to have much less of a problem dealing with supply of energy than if we try to make our supply of energy meet demand which is uncontrolled. We know that now; we know it well and thoroughly and I think the minister appreciates it and speaks to it in public.

Why is it that we can contemplate a major investment in a fusion demonstration project but we can't get an insulation program really rolling in Ontario? Why is it that the one is so easy and the other is so difficult? Why is it that one gets the money and the excitement and the other puts people to sleep, hores the ministry, doesn't get appropriate funding? I am not talking here about taxpayers' money that goes down the drain; I am talking about a rolling program of government funding which taxpayers can pay back as energy is saved over the years on a continuing basis.

Those are the main points I would like to make in a very general way, Mr. Chairman, and I thank you for this opportunity to respond to the comments of the minister this morning.

**Mr. I. Reed:** Mr. Chairman, before I begin I would just like to express publicly my thanks to both the minister and Ms. Gigantes for so kindly accommodating me this morning and understanding that I was going to be late because of a prior commitment. I appreciate very much the opportunity. It appears that the times coincided quite well, although I was sorry to miss some of Ms. Gigantes' response.

**Hon. Mr. Welch:** Do I take it from that you are not sorry to have missed my opening remarks?

**Mr. J. Reed:** Mr. Minister, you can take that any way you like.



I don't know whether I have ever told this story to this committee but I think it is worth telling and it's an appropriate tale.

In Russian folklore, there was a civil servant called Potemkin and his job in the Russian civil service was to assure the Czar of his security of position. In order to enhance that security and to make the Czar and Czarina feel they were really beloved and wanted in their country he would, on a fine Sunday afternoon, hitch up the landau and horses and pull up in front of the royal palace. The Czar and Czarina would step into the coach and would leave the city and go over hill and dale into the country.

After a period of travelling they would go over a hill and into a valley and come upon a little village. As they approached, the citizens of the village would rush out of their houses and stores and yell, "Hail to the Czar; long live the Czarina," and they would applaud and clap as the carriage drove through town and it would disappear over the next hill and be gone. Once it had disappeared, the fronts of the houses would all fall down and the people would go home.

11:10 a.m.

I liken the Ministry of Energy and the programs that are announced with great enthusiasm from time to time, to that movie-street approach known as "Potemkin's village." It seems that in so many cases in recent years, programs are announced with great enthusiasm, but one finds them somehow lacking in substance.

I'm hoping that in this discourse in the next 15 hours we will be able to find substance and something more real than simply the display in the next room. Unfortunately, I haven't been able to see it. It may be a splendid display. So far I am not convinced that the Ministry of Energy has become in the true sense a full-fledged ministry.

I also have begun to wonder if the policies of the government or the Ministry of Energy have any consistency with the views of the rest of the caucus. Maybe that's a good place to start.

The ministry has made some rather major statements recently about a new look at fuel alcohols, essentially methanol, and I know there's some activity and consideration regarding ethanol. Apparently, one of your own colleagues is hoping, at least, to have a pilot plant built in his riding in eastern Ontario. However, one of his neighbours who is another member of your caucus, in response to the methanol thrust by the government, put out the following press release: "From

Clarke T. Rollins, MPP, Member for Hastings-Peterborough."

Mr. Wildman: A very progressive man.

Mr. J. Reed: And I'd like to read it into the record.

"A petition has been put forth to the county of Hastings to request the federal and provincial governments to build a pilot plant for the production of methanol in Hastings county. The proposal was first raised during the last federal election campaign by the Liberal Party of Ontario"—we got that acknowledgement. "As I am first and foremost determined to do everything within my powers to see that the people of the riding of Hastings-Peterborough are given the best government possible for their benefit, I have made an unprejudiced assessment of this project. I have the following points to bring to your attention:

"The production of methanol from the use of waste material has already been tried in other parts of the world and it has been found that only one part in 10 can be added to gasoline to make a car function, with some adjustments required to the presently used motors.

"The cost of production of one gallon of methanol today is somewhere between \$6 and \$7 a gallon. Calculations already made tell us that it requires two barrels of crude oil to produce one barrel of methanol." That's one I don't understand. "At this time we are able to buy pure gasoline for much less and it will be a while before we must pay \$6 to \$7 per gallon for that fuel.

"When we narrow down to the Hastings-Peterborough area, my investigations reveal that there would not be enough raw material to sustain a plant of this kind—" that I don't know—"it is essential to use hardwood waste, not pines, and that the replacement of this sort of tree should be rapid. Hybrid poplar is considered to be the proper wood. The more valuable species of hardwood, such as birch and maple, would cost too much as they bring large prices from furniture, hardwood flooring companies, et cetera. Also they take many years to reach maturity.

"Large areas of forest in the district are located on very thin soils interspersed with rock. These soils support low cordages per acre, are very difficult and expensive to regenerate after cutting, and are costly to harvest due to the low cordage and rocky terrain."

Mr. Wildman: Corn waste is good for methanol.

Mr. J. Reed: "It would be necessary to bring in waste material from other regions if the plant is to be kept operating. One result



would be hard on the tourist industry due to the loss of wildlife habitat and general destruction of the natural beauty of the land. If all the available hardwood waste were to be used, there would be a very real shortage of firewood to be used for heating houses. Also, the price of this firewood would rise beyond the pocketbook of the lower-income group.

"Employment possibilities. Would we be able to provide a lot of jobs? The answer, as far as I can determine, is no. For example, one large pulp company in Ontario now harvests approximately 20,000 cords using the total-tree chip harvesting system and does this with only nine men, which include truck drivers who may not live in the district.

"In the light of this present knowledge, I feel that some other means of increasing employment opportunities for our particular district should be considered. We can't afford to ask any government to provide the necessary funds and not get maximum benefit for the most people. I think this entire problem should be shelved at this time, but we can reconsider it later if circumstances change. At that time, we would no doubt have more success in getting the required funding."

Just for the record, I would also like to read in a response by Mr. Ian Connarty, the author of a methanol study done for the Ontario Liberal Party. I think it's worthy of mention.

"The recent comments by Clarke Rollins about methanol are both unfortunate and misleading. As the author of a major study of methanol potential commissioned by Dr. Stuart Smith, the Leader of the Opposition in Ontario, I feel that Mr. Rollins has either been badly informed or is being misleading on purpose.

"Although Mr. Rollins claims he first heard about methanol during last month's federal election, the study for Stuart Smith follows a major five-volume study by the Davis government which was published two years ago. Last fall Julian Reed, the opposition energy critic, asked the Ontario government to take another look at methanol in an emergency debate on energy in the Legislature.

"The government responded by ordering a review of methanol potential in Ontario. Had Mr. Rollins read his government's report on methanol, or had he been in the Legislative Assembly during the energy debate, he would have learned about methanol before the election.

"Mr. Rollins claims that methanol has been used elsewhere in the world and discarded.

On the contrary, both Sweden and Germany are involved with major methanol development programs to replace the use of oil in this decade.

"Mr. Rollins claims that methanol can only be used as a 10 per cent blend with 90 per cent gasoline in today's automobile engines after adjustments are required. The fact is that no adjustments are required"—that is, for the 10 per cent blend.

"In May 1979, General Motors removed doubts about the corrosive effects of alcohol-blends by announcing that warranties on cars using gasohol would be fully honoured. Both Chrysler and Ford have since followed this lead.

"Mr. Rollins claims the cost of the production of one gallon of methanol is over \$6. Industrial methanol is currently available at 75 cents a gallon, using petroleum as a feedstock. Using waste wood or garbage to make methanol could reduce this cost."

Mr. Minister, I could go on and on with this, but really there's not much point. The question that must be asked is who's in charge?

**Ms. Gigantes:** Not Clarke Rollins. Surely you're not suggesting that?

**Mr. J. Reed:** The minister has issued no statement dissociating himself from that press release.

**Ms. Gigantes:** Did you receive it, Mr. Minister?

**Mr. J. Reed:** I would hope that the minister would make some passing comment so as not to find himself inadvertently lining up with such a statement.

**Mr. Wildman:** What business is Clarke Rollins in?

**Mr. J. Reed:** I understand he's in the petroleum business. However, I don't have any direct knowledge, only rumour or hearsay.

Mr. Minister, some comments have been made recently about the role of Ontario Hydro. There have been references made to the increased use of electric heat and so on. There is an advertising program, a rather unacceptable advertising program in my view, under way at the present time by a utility that has no competitor. It tells us how lucky we are that we have too much. I'm going to get into that during the vote involving advertisements. You never know when we're going to need more, I think that's the tone of the thing.

11:20 a.m.

**Mr. Eaton:** They didn't use you in any of those ads?

Mr. J. Reed: No, I keep my conflicts of interest in other areas.

The Detroit Free Press in an interesting article dated April 8, 1920, talks about the electric power consumption and what's happening to it in the United States.

Ms. Gigantes: In 1920?

Mr. J. Reed: In 1980, I'm sorry. I knew I was a little behind this morning, but I didn't realize how far.

The article indicates that consumption of electricity in the United States has declined and continues to decline and, as a matter of fact, this year is in a negative situation of 1.4 per cent overall. This is a kind of interesting comment, due partly to the economy, the economic downturn and so on.

Really, one of the reasons for this reduced use is the tremendous capitalization costs of new generating capacity plus, obviously, the fact that there are other options, even in an oil-short country like the United States, that are possible. In other words, the United States is beginning to take conservation seriously. That's having an immediate impact. They're certainly becoming interested in other directions.

I can give you a copy of this article out of the Detroit Free Press if you like. I don't know where the author of it got his information, but it would appear that the United States' trend is leading us at the present time, even though it is an area where they have a far worse petroleum situation than we have. The concept that somehow petroleum and electricity are completely interchangeable and we can emerge as the all-electric economy is, in my view, farfetched.

They've even had a few comments regarding the amount of capital required to provide the generating capacity to go into some of these areas, such as electric heat. One does not know what the pricing structure will be in the future and how that may affect these figures but, based on the present method of selling electricity, it would appear that at present the cost for every new home in Ontario to be electrically heated would require an investment of \$22,500 in generating capacity. That's a very profound figure. I dare say, if I had capital of \$22,500 delivered to me to put into some other energizing source, I could find a much cheaper way to do it.

In that sense it's a simple matter of base economics. Is the government of Ontario prepared to repropose the "Let's hear it for electric heat" campaign and then go in for an investment of \$22,500? Is the government prepared to accept the increased marginal cost of electricity to the people of Ontario

being spread over every user? Do I then as a member of a nonelectric household bear part of that marginal cost?

These are questions I think are worth asking. It would appear to me that when you're looking at high end use for energy you've got to take that capital cost per home into consideration.

If we took that \$22,500 and applied that to, for instance, a methanol plant, perhaps the investment per household would be substantially lower. Maybe we would get more bang for the buck, to use the cliché.

I want to take issue with Ms. Gigantes just a little. I realize it's an unfair advantage to be the last speaker in opening statements. Ms. Gigantes has called for the expanded role of Ontario Hydro into some new areas.

I have my doubts, and I express them in a most sincere way, that Ontario Hydro is the medium for this expansion. It seems to me that the prejudice there lies with the increasing of generating capacity. All of the experiments and tests we've seen to this date would tend to confirm that.

A few years ago we were discussing under these same estimates the research that had been done into heat pumping. The conclusion had been drawn at the time that heat pumps really weren't too successful. A lot of work had been done by Hydro and so on.

For the longest time I couldn't figure out why this apparent advantage didn't turn out to be an advantage in numbers. Being the slow learner that I am, I finally twigged to ask what the supplementary heat source was after the heat pump reached unity, which is when the temperature drops to a certain point and you have to supplement it, because it takes more energy to pull it out of the air and so on.

The answer came back that the supplementary heat was electric heat. The answer was obvious. A heat pump system in the electrical utility is just not on using electric demand heat. Anybody stopping to think about it for a little while would have to come to that conclusion. It's amazing that the scientists or whatever community was doing the research at Ontario Hydro would not think of using some stored form of energy as the backup to the heat pump.

When you go that route and use a stored form of energy, suddenly the economics change. The impact on the peak changes; the impact on the utility of the capital cost of generating capacity necessary to support that heat pump changes. You've got a whole different approach.



Based on that kind of experience, I say Ontario Hydro is probably the wrong outfit to get into these other areas. Inadvertently, they will thread their way back into more generating capacity, which I don't think the people of Ontario are really prepared to pay for if it's not necessary.

If there were no alternative or option, then you fall back and save the uniforms and re-evaluate the game. But there are alternatives and there are options. There are efficiency measures that can take place. There is tremendous potential to be gained in conservation and all sorts of opportunities. I think the initiative for those, if it ever happens, will have to happen outside the utility.

I would like to mention the thermography program for a minute in this opening statement. I am going to ask some rather detailed questions and I trust someone may be here to answer them. I ask the question and I really don't have the answer yet; maybe we will have it by the end of these estimates. I am wondering whether the thermography program is a \$5-million storefront in Potemkin's village.

I'm concerned about that. I've talked to some professional thermography people and people who are potential participants in this program. Their response to me is, "If we had that money we would much rather tell the people, 'Here, take this amount of money and caulk your windows,' because the thermography program will tell you some things but it won't tell you the whole story, especially not from the air."

That's the information I'm given from the other side of the argument. These are people who really have a vested interest in doing this work and who are trying to tell me in a very blunt way what the realities are.

11:30 a.m.

Thermography is a new and exciting technology that has a lot of great functions to perform. Its uses are manifold, but one wonders if the \$5 million could be better spent on a more practical level. I just ask the question and I hope we will get the answer during the estimates.

To mention natural gas, there's comment made about the expansion of natural gas utilization, and I think all of us agree that the potential, in the short term and in the medium term, for increased use of natural gas is very real. I think it's one of the things that will keep the wheels of industry in Ontario rolling along rather well.

I might ask the ministry to also consider another short-term use for natural gas and that's in the transportation sector. It's being

done in Europe in some areas. There has been no work that I know of done in Canada, in Ontario, particularly. I know there is some interest on the west coast in the utilization of natural gas for transportation.

I see it as an assist and perhaps a stepping stone, if it's necessary; as something that can be brought on very quickly in terms of gasoline supplies now and the alcohol option which I think is the one of choice in the long run. I very much support it and continue to support it partly because it's indigenous to Ontario and can aid Ontario economics, but I do see a short-term role for natural gas in transportation if that necessity arises.

With reference to the hydrogen option, there is a potential for hydrogen that goes beyond its direct use as an energy source, so I am a little more positive about hydrogen than is, perhaps, my NDP colleague. I see the initial use of hydrogen as a carbon-hydrogen corrector. That is, where you have a hydrocarbon that is heavy in carbon, or you add the hydrogen and you can save the carbon and don't have to spill it when you are reforming the gas to make methanol, or when you are refining heavy oils from Cold Lake or whatever. There are a lot of hydrocarbons that are available to us that are deficient in hydrogen, and hydrogen certainly could play a role.

There is also another interesting role for hydrogen which is the development of remote hydraulic power. Hydrogen and oxygen, as gases, can be transmitted very long distances with very low losses, but electricity, as Ontario Hydro will agree—I think it has done work on it—reaches a saw-off point at about 400 miles. It really becomes more economic, at that point, to make hydrogen and oxygen, to transmit it farther than that and then reform it, perhaps through fuel cells, over the longer distance. So I see roles there for that development.

In terms of northern hydraulic development, that is more remote. You may remember on January 15 of this year the Association of Consulting Engineers of Canada went on record in the Daily Commercial News as calling for the development of small hydraulic power in Canada and claiming a potential of 240,000 megawatts in Canada. Admittedly much of that is in the Northwest Territories and more remote areas.

Hydrogen, then, appears to have a possible role to play in terms of the transmission of energy, which perhaps brings me to my vested interest, my old sawhorse and the time where I put my hand over my heart and say, "Let's go"; that's hydraulic power.



There has been some debate about just how much potential there is for the further development of hydraulic power in Ontario. Speeches have been made over the last few years saying there is only more river to develop, that there is really not much more. The Ontario Hydro ads—this is immoral stuff that you fellows approve—go on the air saying there is not enough water power so we are going nuclear. It's all minimized and pushed into a corner. It is hoped some drones or worker bees will come along and put wax over the dead queen in the hive and water power will meet its ultimate doom. Nuclear will go along without a competitor, without a window, without a yardstick to measure the marginal cost by, without any kind of check and balance. It would seem to me reasonable that hydraulic power, if it has no other role to play, has a role to keep the cost of nuclear power honest.

Now it has a few other benefits. The deputy minister asked me for—I told you, Peter, that I had found through the Hydro library a summary of hydraulic potential that was completed as recently as 1978, and this is the most recent one we have. I used to work out of the water-power book of 1911, and a list of water powers of Ontario originally prepared in 1895 and updated in 1946, but this is 1978, this is a goody.

This lists only those water powers with over 20 feet head. Now there's a lot of power under 20 feet; I can take you to lots of them. But this lists only those over 20 feet. Here we are; hydroelectric power undeveloped, excluding pump storage, 11,009,600 brake horsepower, which is about 8,000 megawatts. I don't know why the deputy doesn't feel he has access to the Ontario library but, Mr. Deputy, take this with my compliments, and if you'd like some more information, I'd be pleased to supply it to you.

The fact is we do have a hydraulic potential in Ontario. Parts of Hydro say we have. Other parts, which sometimes seem to prevail, tend to say we don't think we have; besides, the marginal cost would be so high it would make the whole thing prohibitive.

I have taken the point of view—and I have stated this to the minister; I am going to state it again—that if Ontario Hydro feels there's a marginal cost problem, the answer is simple enough. Take the hydraulic development away from Ontario Hydro, get it out of their hands. Quit giving them first refusal on these redevelopments.

Turn it over to private enterprise, because if private enterprise takes a look at it, they will soon decide whether or not it's com-

petitive to redevelop. They will make the decision. No long-term 40-year write-offs, these guys have to go into business, so if there is a potential there, I say to the minister, call the bluff of free enterprise on this business. If Hydro doesn't want it, fine. Why should we worry? If you ought to bring it under the authority of part of your Ministry of Energy, perhaps a conservation division, because it is an active conservation, then do that.

I am not too concerned about what kind of mechanism is there, as long as the mechanism is simple. It should be understandable by the people who might be interested, and they should have access without spending half their lives going through the red tape of indecision among three ministries; that is, two ministries of government and one utility.

It has become a perplexing problem. I would like the minister to make some clear statements about small hydraulic power and its redevelopment during the course of this 15 hours, because there are some real prejudices holding up this redevelopment. I'm not talking about going out and building a whole bunch of new dams and water impoundments around Ontario. There are 4,000 in existence right now and a large proportion of those have the capability of turbine installation.

11:40 a.m.

Let's be reasonable, put all this into perspective and get on with the job. There's a big holdup, and I think the minister is aware of it. Let's try to sort through it during these next 15 hours and get to who is holding up the works in the Bermuda triangle where the decision rests.

**Hon. Mr. Welch:** Mr. Chairman, I wonder if we might influence the response from the standpoint of votes. We have five votes as far as our estimates are concerned. Would it be reasonable to have some agreement among the committee as to when these various votes would come up during the course of the 15 hours?

If so, may I suggest that with today's two-and-a-half hour slot we do the main office, the ministry administration program. Then perhaps we can have a session on conventional energy, which I take it we can do tomorrow night.

Next, we would have sessions on renewable energy, energy conservation, regulatory affairs and the Ontario Nuclear Corporation, with a final session on Ontario Hydro. When I talk about a session I mean two and a half hours.

That would seem reasonable. The ministry could then organize staff participation on this basis. It will be for the committee, obviously, to decide whether that would be an orderly way to consider the estimates.

**Ms. Gigantes:** Mr. Chairman, I am quite pleased with that suggestion. It appears that the schedule we worked out on a kind of ad-hoc basis before the estimates began is a schedule we are not going to be able to follow. It is my understanding that the decision reached by this committee in its other form last night is accurate.

Is it correct that there will be sessions dealing with the question of nuclear power?

**Mr. Chairman:** Yes. That will be next week.

**Hon. Mr. Welch:** I suppose that would only affect the timetable when the committee is dealing with estimates. I just wondered if we could deal with them in those blocks of time, that is all. I take it that next week this committee will not be sitting as an estimates committee.

**Mr. Chairman:** That is right.

**Ms. Gigantes:** Mr. Chairman, I would like to ask the chair to give each of the critics an indication of the schedule we are likely to be following so that we can inform caucus colleagues who are interested when those items will be coming up during our considerations.

**Mr. Chairman:** We have appointed a subcommittee which will meet before, or not later than, Monday to draft our program with the Ministry of Natural Resources for the inquiry next week, which we hope to finalize in three sessions, perhaps. Then, of course, we go back to estimates.

**Ms. Gigantes:** That's fine.

Will we have a session tomorrow evening as we had hoped, or will that be pre-empted by the work on the—

**Mr. Chairman:** No. Natural Resources doesn't come on until next Tuesday. That was agreed upon last night.

**Ms. Gigantes:** Very good.

**Hon. Mr. Welch:** If this timetable were to apply, I hope it means that by adjournment time today we will finish the first vote, ministry administration, and that tomorrow night in estimates we can spend the two-and-a-half-hour session on conventional energy.

If, as the chairman suggests, next week three days are out, that would mean we wouldn't get back to estimates until Wednesday, April 23. We would then do renewable energy and, on Thursday evening, April 24,

we would do conservation. The following Tuesday and Wednesday we would finish up with the Ontario Energy Corporation and Ontario Hydro.

**Ms. Gigantes:** But if we could have an outline, once the subcommittee of this committee has decided on the most appropriate way for us to tackle these two pieces of work, that would be useful. Otherwise the division of the items and the time allocations seem—

**Mr. Chairman:** It's rather hard. We make these suggestions, but sometimes something crops up in questioning that prolongs it. It is pretty hard for me to regulate what everyone else has to say.

**Ms. Gigantes:** Mr. Chairman, I have no bones to pick with your chairmanship or the way you have dealt with these two matters over the last two days. All I am asking is that we be kept up to date as much as possible.

**Mr. Chairman:** You will be. I can assure you of that.

**Hon. Mr. Welch:** Mr. Chairman, if that allocation of time and those particular views are in order and are the decision of the committee, I would like to make one or two observations in connection with the opening statements of my colleagues, the critics of the other two parties. Perhaps the specific detail they have quite properly asked for in a number of areas could be allocated to those time slots in which we will be going into those particular subjects in a little more detail.

Two or three things just off the top: I like that idea of energy efficiency, of really looking for some new way to get the conservation method across. I really feel there is a high degree of public awareness and interest in this matter of conservation.

It's like so many programs. If there are new ways to convey a basic message which also helps to convey the emphasis, then why shouldn't we be experimenting with them—the double E for energy efficiency, or however else we could put that together certainly when we get into the conventional energy.

**Ms. Gigantes:** Not the double E, please.

**Mr. J. Reed:** That's Edison Electric.

**Ms. Gigantes:** May I just ask what ESW means?

**Hon. Mr. Welch:** I guess one does have to be careful, doesn't one? I don't look for anything except to sell the message and get people to appreciate the fact that one of our most immediate and practical alternative energy sources is energy conservation. How-



ever that message could be improved or emphasized is very important, I think.

There are some questions raised by my colleague, the critic for the New Democratic Party, with respect to putting some figures and some interpretation to the goals that are being talked about, namely the two-per-cent increase in total energy consumption, the zero-per-capita increase with respect to crude oil and related matters. I think this could well form the subject matter of our consideration tomorrow night when we deal with conventional energy and talk in terms of those particular goals.

The comments in connection with the Ontario Energy Corporation are very timely. Obviously, we will have an opportunity to talk about emphasizing the role of the subsidiary corporations. Perhaps it is sufficient to say at this time that there is interest in the renewable energy development organization, and maybe we can talk about that when we get into renewable energy. Certainly, there has been a fair amount of consultation with the private sector in so far as that organization is concerned. Its relationship with the subsidiary corporation under the OEC, which will deal with alternate energy, is very important as far as the success of that program is concerned. I would like to talk to you about that.

On the question of having a fix, I am interested in that expression and in its meaning and interpretation. Certainly, I have been attempting in my short tenure in this ministry to emphasize the importance of diversity, of having options, of not becoming overly dependent or overly committed to any particular forms. One must recognize that perhaps some of the problems we have today are because of overemphasis on certain forms. There is some need for diversification and options.

I am interested in my friend's observations with respect to the ministry. If I am wrong, I will be the first to admit it during discussions. I really have felt that it was of some importance to show a total involvement in energy by government, not just the Ministry of Energy. I do not see the ministry just as a co-ordinator; I do see the ministry taking some initiatives.

11:50 a.m.

We may have different approaches with respect to delivery of programs. There is no reason why the Ministry of Transportation and Communications should not be heavily involved in the delivery of many programs in the field of transportation conservation. That is where a lot of the expertise is. Similarly,

I see the Ministry of Housing becoming increasingly more involved with respect to building codes and conservation programs related to insulation. It may only be a matter of vocabulary.

I attach a great deal of importance to the whole concept of Energy Ontario and total involvement, not seeing it as an abdication of the responsibility and initiative of leadership, but rather recognizing the need to employ the resources, both human and financial, that are in other ministries. It is not unlike what is going on in society today. I would suppose there is no one in business, whatever his primary concern, who would not also have to take into consideration the importance of energy and his involvement in many of these programs.

I am encouraged by any comments that would urge the ministry to be more visible in many of these things. It is not a reluctance; it is perhaps a recognition that there are many agencies, many ministries and many people who should be attaching the same priority to energy matters as the Ministry of Energy itself.

As you will know if you read the early task force reports, there was some debate as to whether the government should have a Ministry of Energy or simply a secretariat. Of course, the decision was taken and here we are, and we are expanding. You might include comments on that particular subject all through the estimates. I would welcome advice within that area.

Now that the comments of the honourable member are on the record, we will ensure that all the questions raised are addressed as we go through the specific items in addition to those on which I have just briefly commented.

**Ms. Gigantes:** I might mention, while the minister is touching on that point, that there is an outstanding list of questions that I had left with the ministry. I have notes in response indicating that the material will be ready. The sooner we get it, the more useful our discussions will be.

**Hon. Mr. Welch:** Quite. If any questions come up where a little notice to get information would be helpful, we would be glad to follow up on them. It was my understanding that you were to get all the information, but if there is still some to come we will see that you get it.

The critic from the official opposition has shared with us some matters that reflect his particular interests. Certainly as far as thermography is concerned, I am interested in some of those observations and want to go



into them in some detail during discussion of the conservation vote. I must say, of all the announcements that have come out in the last little while, that one has really attracted a tremendous amount of interest, which indicates that in this whole energy discussion and debate people are looking for some of these novel and catchy ways to draw attention to certain programs.

Of course, the basic program is to create an awareness within a community of the need for tightening up houses. No doubt, if you made an announcement that you hoped everyone in town would caulk all their windows, there would be some appreciable result. I am sure there would be.

My experience in my community, when this program was part of the pilot project, was that there were many people tremendously anxious to go and take a look at the pictures to see the results of programs which they themselves had undertaken. Once you get the customer in, the big benefit is to be able to sit down with him on a one-to-one basis, discuss his house, and share ideas as to how he can better accomplish some of the objectives. However, I would welcome some exchange on that subject.

Mr. Eaton: May I ask you one quick question? There is also a method of measuring heat loss from the inside by a type of photography, isn't there?

Hon. Mr. Welch: I think you will find that some of the people who may have been speaking to our friend on the subject do that. That is their business. They do it on a house-to-house basis. Can't they retain someone to come and take a picture of their house? Isn't there some hand-held equipment?

Mr. J. Reed: Yes, some of that is done.

Mr. Eaton: Is that included in this program?

Mr. J. Reed: No.

Hon. Mr. Welch: That is a very expensive way of doing it. This is an aerial overview of the whole municipality. You get printouts and the dark and light shades indicate heat loss.

Mr. Eaton: I am aware of that.

Hon. Mr. Welch: The other approach, I think, some people are doing commercially. They are available to come with the necessary equipment. There are some who raise the question of whether that cost is justified, considering the results.

One of the attractive things about this program is that you are inviting people to give serious consideration to the whole question of heat loss and to see the benefits to

their own pocket-books of making some investments. The fact that the federal government's Canadian Home Insulation Program is available has been very helpful in that regard. Both have come along at about the same time.

We will have a chance with the Ontario Hydro session to discuss some of the questions my friend raises. I am interested in the question of hydraulic power. The statement I issued not long after my appointment on October 1, 1979, shows a contribution from hydraulic sources with respect to an increase in electricity. As you know, we are talking about 2,000 megawatts.

Mr. J. Reed: Not any more we're not.

Mr. MacDonald: How quickly is Hydro moving on it?

Hon. Mr. Welch: I made that statement and that is the question we will have an opportunity to discuss with Hydro.

Mr. J. Reed: We will talk about that. We certainly will.

Hon. Mr. Welch: No doubt you will want to discuss with Hydro its advertisements and its promotional campaign. All I can say is there is a two-page ad in colour, depicting a beautiful section of the province, some lovely homes on Victoria Avenue in Niagara-on-the-Lake. The ads aren't all bad. It's very attractive indeed.

Mr. J. Reed: A pre-election warm-up.

Hon. Mr. Welch: We will have an opportunity to discuss these matters and others that have been raised, as we go through the estimates in some detail. In order to allow some time for the main office vote, which we were going to try to clear up by 12:30, perhaps I should leave it at that and we can get into some specific questions on the first vote.

On vote 2001, ministry administration; item 1, main office:

Ms. Gigantes: Mr. Chairman, I will start backwards in the order I have noted questions I wanted to raise or comments I wanted to make about the minister's remarks on our comments.

In connection with his discussion of the role of the ministry as a co-ordinating ministry. I think everyone can accept the notion that in order to plan for our energy future and effectively carry out those programs that will help us to a greater independence and self-reliance, both in Canada and, in particular, in this province, we must touch all sections of our society. Obviously, there has to be a role for other government ministries.

My concern is that, in the past, the confines laid out for the Ministry of Energy as a co-ordinating ministry have indicated a reluctance on the part of the minister, or the ministry, or the government, or all three, to engage actively in initiating programs and participating in programs. I think they have also been a stumbling block.

12 noon

If we look at the 1978-79 actuals in those programs—for example, renewable energy and energy efficiency programs—we see much of the difficulty the ministry had in carrying out those initiatives it wished to undertake, and for which it had moneys allocated, was the inability or reluctance of other ministries to implement their part of the program. We can't afford to be hung up with that kind of problem through other ministries in the future. It's that concern I really tried to emphasize.

Hon. Mr. Welch: I understand that and the honourable member is very fair in pointing out that there are some areas—obviously, the statement of expenditures—which would show that although the money was in our budget it has been allocated for other ministries' programs.

Ms. Gigantes: This is not singular in the provincial sphere. The same thing has been happening in federal government programs. A major proportion of the funding that's been available for energy initiatives through the federal government has been for projects which were supposed to be carried out through departments of the federal government.

Those departments have been reluctant. They've been getting Brownie points for not spending funds. They haven't had personnel who caught fire over these ideas or had the expertise to bring them to fruition. We see major foul-ups at the federal government level. I don't think it's good enough for this kind of important initiative to be hung up in bureaucratic red tape and budget-cutting and all the rest of it.

Hon. Mr. Welch: I accept that criticism in a constructive way.

Ms. Gigantes: It's one of the reasons I'm concerned. This leads me to another point.

For us to be able to understand the minister's, the ministry's, and the government's understanding of what the administrative structures for the programs of the ministry will be, I think it's important at this stage for us to be able to start identifying groups, organizations, and structures, within or attached to the ministry, which are going to be carrying out the major initiatives, not only in the implementation of programs, but also

in the planning, design, and development of programs.

It leads me to another point which my colleague from Halton-Burlington commented on, and that is the role of Ontario Hydro. We'll want to discuss this in some ways with Ontario Hydro. But it's more appropriate, I think, to discuss it with the minister, because I was trying to raise a question which concerns the minister's view, the government's view, of how our energy programs are going to be carried out as we look into the next few years. We are going to need structures that will help us design, plan, develop, implement them and do quality assurance.

Hon. Mr. Welch: And Hydro has to be—

Ms. Gigantes: The Hydro personnel we have in this province are of a very high calibre. They have a good deal of expertise in many of the areas—for example, heat, energy efficiency, and so on—that we're going to need to tap. I have a personal and a political reluctance—indeed, a dread—of seeing the Hydro corporation stripped of areas where it can feel there is excitement in the overall program that Hydro is expected to carry out on behalf of the people of Ontario. I don't think it's fair to turn to this organization, which has served us well for years, and say: "There's that electricity superstructure. You keep that running and keep your nose out of everything else. You guys are just the maintenance guys now."

In a sense, that's what the alternative is to involving Ontario Hydro in our energy future. Unless we open up new areas of excitement and creativity where the people who work in Hydro can feel enthusiasm for the initiative they can bring to the Ontario energy program, I think we're robbing a noble institution, of which I've always been fairly critical. I have a high respect for it and for a lot of the personnel in it.

Many of the comments that Julian has made are made with reason. We have been frustrated. I know that the Ministry of Energy has been frustrated. Perhaps even the whole government has been frustrated by the bent of Ontario Hydro management over the last several years. There has been a fixation within Ontario Hydro with the expansion of nuclear-generation facilities, to make it even broader, to supply more electricity to Ontario. But we've never asked them to do anything else.

Furthermore, the number of people who have been involved in that direction, in terms of managing Hydro, is a very small



group. Under that small group which has directed Hydro over the last several years, there are layers of extremely well qualified, open-minded and enthusiastic people who I think would really turn on, as it were, to a chance to expand the role of Hydro in this province to help us meet our energy future.

In that sense, I think it's terribly important for us not to dismiss Hydro as a potential aid, a potential tool for the programs we're going to want over the next several years in Ontario. I get worried about leaving an institution of that kind and of that quality, which is, after all, only made up of people, stripped bare of exciting work and put in a totally defensive position in terms of its role in the energy future of Ontario.

I'll ask my Liberal colleague to give that a little more thought. Certainly, one of the few suggestions that I appreciated from Porter's report was a very serious suggestion that Ontario Hydro could and should have a larger role.

It has been the case that many utilities in the United States, both private and public, with very much the same pattern of development and direction over the last couple of decades as Ontario Hydro has exhibited, have changed. They've been given a new mandate. They have taken up that mandate with enthusiasm and they're using the expertise that exists within the organization to develop, in a very community-based way, a response to the energy needs of the populations they serve. I don't think there is anything about American organizations that is qualitatively different from ours, or about Americans that is different from Canadians in their ability to do that kind of thing.

I think that people in Ontario Hydro have been paid to do one thing under a certain kind of management and with a certain kind of mandate from government. If we interest them in doing a bigger job, they'll respond.

Mr. J. Reed: In response to Ms. Gigantes, I think she qualified her statement sufficiently that I could almost agree with her. I agree that there's a tremendous staff in the Ontario Hydro system. Some people I've come to know and work with are forward-looking and have some real vision.

My concern, if you like, is that the people who are in control of the decision-making process are not allowing that creativity to show through. Consequently, we have all of these anomalies that show up. We have an apparent exploration of new areas coming to some cock-eyed conclusion which was fore-ordained by the mandate the research group was given.

Ms. Gigantes: But you shouldn't panic at a layer of management just—

12:10 p.m.

Mr. J. Reed: I'm not panicking at all. I'll share this with you. It comes on the heels of a great frustration with the Bermuda triangle, as it was so aptly described by one of the present minister's predecessors.

This is an incredible story about a 760-kilowatt power plant on the Mattawa River and the Ministry of Natural Resources who bought the plant and agreed that it shouldn't be destroyed. The ministry knows there is a private concern interested in generating, but it gave Ontario Hydro first refusal. Hydro promised to make a decision about four times in the last year and has still not made a decision. I'm convinced now that the object is never to make a decision. If the decision is never made, no action has to be taken.

That's a piddling little two-by-four thing, but it could represent to a private development group a pilot project, a test bed for the economic development of other power plants around the province. Ontario Hydro won't even make a decision one way or the other. They'll leave these people dangling on the hook until some other interests take over the talent base that's ready to explore this area.

One can wonder why Ontario Hydro was offered first refusal in the first place and if this is going to become procedure: that if a private-interest group shows an interest in a plant somewhere they'll say: "That's all very well. We'll see if Hydro's interested in that first. If they're not interested, we'll enter into negotiations."

The minister knows and I know that on that basis nothing will ever happen. Hydraulic power will come to an untimely and unnecessary death in Ontario.

I'm concerned, too, about the ministry administration program as it relates to inter-ministerial contact. As the minister has said many times, he likes all ministries to make a contribution to energy in one form or another, whether it be energy conservation or whatever.

I have another little story of frustration relating to energy. It concerns the Ministry of Education and an educator who is trying to raise the consciousness of young people in the primary grades through energy education, conservation education, pollution education and so on. Approaching the ministry with something that relates to another ministry apparently doesn't get the attention it deserves.



One wonders if the Ministry of Energy is sitting down and trying to delineate what it considers to be priorities in making us all more aware, regardless of whether we're dealing with environmental issues, education issues, social service issues or whatever.

One of the main issues is the whole area of natural resources and the fact that some of the administration of energy-related topics has its roots in two ministries, not just one, and, I suspect in some cases, three ministries—the Ministry of the Environment, too, when one talks about garbage utilization, et cetera. I would like to know what the minister intends to do about making these things understandable to the public, creating a situation where people who are interested in the private-development part of the energy sector can go through an understandable simple process. You must fulfil certain obligations. But an understandable process can be gone through, so that the private sector knows that if it fulfils these particular sets of obligations, it comes out the other side with a green light, knowing it can proceed.

One of those great stumbling blocks is back there, with your old hydraulic power, and the incredible maze of bureaucracies in two ministries plus a utility. Surely the minister can simplify that. He is an able man and someone I respect very much. He can put those into simple understandable terms.

**Hon. Mr. Welch:** Regarding both comments that have been made with respect to the role of the ministry—quite properly being discussed as part of this vote—I don't disagree basically with anything that's been said, as a matter of principle. I'm reminded every day of the tremendous potential human resources we have, in so far as Ontario Hydro is concerned and in other ministries.

I will give you a couple of examples. The task force on hydrogen wouldn't have been complete without representation from Hydro.

**Ms. Gigantes:** It's not complete yet.

**Hon. Mr. Welch:** No, but it's obvious we have no difficulty with that. I suppose there could be some question raised with respect to the extent to which there would be involvement in general research and development in the energy field, as being a legitimate cost to apply to the ultimate determination of electric rates, as I think about the future and the expansion.

Certainly, the basic point which the honourable member makes in so far as that involvement is concerned—

**Ms. Gigantes:** The Americans have managed to get around those problems.

**Hon. Mr. Welch:** I don't know how you could address the energy situation without having a fair involvement by that particular agency.

Interministerially, I'll be very frank with you, I see great progress being made here. I think that's part of the educative role the minister has to play. I have the greatest co-operation from my colleagues who are the political heads of the ministries.

The honourable member from the official opposition party made some reference to education. Certainly, we have materials now. The school program is well advanced. I don't know whether or not we've shared those with you, but we'd be glad to. Great progress is being made.

As a former Minister of Education I know that everybody with an idea and with their own particular programs looked at the school system to help solve all the problems. There has to be some determination made and some priorities attached to what is expected of the school system.

I would say that no program of current events, no program of topical social studies would be complete without taking into account the whole matter of energy. We have some interesting, high-standard learning materials which have been developed co-operatively with the Ministry of Education. There have been no problems at all that I'm aware of with that ministry in that program.

The energy from waste program, announced recently, wouldn't be where it is today without tremendous co-operation from the Ministry of the Environment. Some of us were at the function at which we saw both the Minister of the Environment (Mr. Parrott) and the Minister of Natural Resources (Mr. Auld) identifying themselves with that program. That's some indication of how it's all working.

12:20 p.m.

I'd be dedicated to any program that would facilitate matters, not to see inter-ministerial structure—and I see the necessity of interministerial structures; after all, that's how we are organized in the delivery system around here—but anything that could minimize difficulties through the system. I certainly would want to associate myself with those efforts.

In my opening comments, I made reference to the compendium which we are going to put out under the Energy Ontario publication, just to show what is going on govern-

ment-wide. I think that will be a fairly revealing document. We are making progress.

On that matter of synthetic fuels, the interministry committee on synthetic fuels, involving Natural Resources, Agriculture and Food, Industry and Tourism and the Ministry of Labour on all these things, are—

**Mr. J. Reed:** How are you doing with your own caucus voters?

**Hon. Mr. Welch:** There are refreshing breezes that blow from people—

**Ms. Gigantes:** Yes, there are. You've read George Ashe's speeches recently. Practically demand—

**Hon. Mr. Welch:** People raise questions that challenge us, as part of the feasibility study. I would think representatives from other caucuses would be the last to suggest that independent points of view are to be discouraged from time to time.

**Mr. Foulds:** Especially by a former Minister of Education.

**Ms. Gigantes:** Could I ask, Mr. Minister, on the subject of your co-ordinating efforts with other ministries, have you requested other ministries to designate a person who will take on the job of co-ordinating an energy role within that ministry? And are you finding that these designations are serious ones where personnel are involved on a full-time basis, because it is a full-time effort within a ministry?

I am familiar, for example, with government efforts, both provincially and federally, to implement equal-opportunity programs. I know that it makes a huge difference to have a ministry or a department allocate personnel to the implementation of such a program on a serious basis and with adequate time. The personnel so allocated should be people who have the knowledge and the skills to negotiate through the red tape involved, and the enthusiasm to be able to generate compliance.

**Hon. Mr. Welch:** The short answer to the question, Mr. Chairman, is yes. In the key ministries that has happened.

**Ms. Gigantes:** On a full-time basis?

**Hon. Mr. Welch:** That's my understanding, certainly in Environment, Hydro, Transportation and Communications, Education, Industry and Tourism.

**Ms. Gigantes:** And Natural Resources?

**Hon. Mr. Welch:** Natural Resources. In the key ministries.

I don't think we should rest on our oars in that particular manner. There is a great deal more work to be done, but that's all

part of the responsibility. I have no reason to believe that we are not going to get the fullest co-operation.

For instance, I sent a letter to my colleagues at the time of our ministry's initiative with respect to having a further look at synthetic fuel. I specifically wrote to my colleagues to make sure senior staff are assigned to that, and the responses have been quite encouraging.

I think that's part of the role which the honourable member quite properly assigns to the Minister of Energy and to ensure that we have that—

**Ms. Gigantes:** And have those designations been fairly recent, most of them?

**Hon. Mr. Welch:** No. As far as Transportation and Communications and some of those others are concerned, they have been there for some time. I must say it's just tremendous what some ministries have done, and not surprising that Transportation and Communications are high on that list from the standpoint of their work in this whole area of transportation, energy—

**Ms. Gigantes:** There are questions I want to ask about that when we get into more particular parts. One other thing I raised earlier on which I'd like to have some information—it must be possible to assemble it in some kind of compact way—is an understanding of what staff the ministry now has, what recent appointments have been made within the ministry, and what the plans are for the development of personnel and programs.

**Hon. Mr. Welch:** I wonder, Mr. Chairman, if I might ask for assistance of the deputy chief administrator, to give some overall figures on that. We could then undertake to be more specific with respect to how that's being distributed.

**Ms. Gigantes:** I know I have seen over the last few months maybe three or four ads for positions.

**Mr. Chairman:** Mr. Mackenzie wants to ask a question.

**Mr. Mackenzie:** I have a question relating indirectly to the request just made. I was just wondering, in terms of the ministry administration program, what was involved in the women's adviser's role, if that's an initiative step and if there is any progress in terms of affirmative action for women in the ministry. I am wondering if that information can be part of the answer to the question my colleague has just asked.

**Mr. Rowan:** The information that I would like to give the committee relates only to the



Ministry of Energy proper, with the one exception of those civil servants who are on loan from the ministry to the Ontario Energy Corporation. It does not refer to those 29 employees who are with the Ontario Energy Board, if I can make that distinction. There are, if I could just clarify further, another 29 employees with the energy board who would not be reflected in these numbers.

There are 68 civil servants on staff with the Ministry of Energy at the present time. We have a number of vacancies—

**Ms. Gigantes:** Are these professionals?

**Mr. Rowan:** These would be all employees.

**Ms. Gigantes:** How many of that group would be in professional categories?

**Mr. Rowan:** I am just estimating now. I'll take out from the number 68 which I have given you the people on the administration staff. Some are professional and others are support, but there would be 26 administrative staff. In giving you that number, I should also advise that we have centralized our support staff through a word-processing system to get maximum efficiency from them. From the 68 which I have given you in total, you might wish to subtract 26 for administration. That would leave 42 professionals.

**Ms. Gigantes:** Is this centralization of personnel through a word-processing system like a typing pool?

**Mr. Rowan:** We prefer not to use that designation.

**Ms. Gigantes:** I just want to understand what that gobbledegook means.

**Mr. Rowan:** I'd be very happy to discuss that with you, because there are some very significant differences.

In terms of the question Mr. Mackenzie asked about the affirmative action program, the updating of jobs, and the quality of the jobs which individuals perform, I think by this particular technique we have been able to make some significant progress. I also think the satisfaction that the employees get at the ministry is heightened by such things as our increased efficiency through word processing.

**Mr. Mackenzie:** What have we done in terms of female employees moving into more responsible positions, not in terms of numbers?

**Mr. Rowan:** I can get that information specifically for you, Mr. Mackenzie. I will say that we are very fortunate in the ministry in having some very qualified women employees. I am thinking in terms of one of the legal counsel to the ministry—

**Mr. Mackenzie:** I notice two legal counsel plus Sandra Kerr as head, but out of 29 or 30 names listed as some of the key people—

12:30 p.m.

**Mr. Rowan:** I'll get some of those statistics for you. If you would like to meet with Sandra Kerr, who is our women's adviser, we would be delighted to arrange that. In fact, if you would like to come to the ministry to meet with the staff and talk about our affirmative-action program, we'd be very happy to arrange that as well.

I should tell you we have what you might call a weekly job-enrichment session in which Sandra Kerr invites people to come and talk about opportunities for advancement and career development generally. I'm very pleased to say that these noon-hour sessions are attended not only by women employees but by men employees as well.

**Mr. Mackenzie:** I have no problem with anything you've said. What I'm more specifically interested in is, are we showing any progress? Have we gone from two to four, two to six, or one to five? What do we have in terms of responsibility?

**Mr. Rowan:** I don't have those numbers but I will get them for you, sir.

If I may continue, we have 12 vacancies at the present time within the ministry. We have 15 unclassified staff. The majority of those, incidentally, are with the Ontario Energy Corporation.

**Ms. Gigantes:** Are these vacancies in the professional category or in both?

**Mr. Rowan:** The majority of them are in the professional category.

**Mr. Foulds:** That's a large number for a maximum of 60 employees.

**Mr. Rowan:** Yes. If I could just move on, I will get into the employment program which we have under way at the present time.

As the minister indicated, we have been assigned an additional 47 positions by the government. The majority of those are for professional staff. We have filled three of those 47 positions. That leads me to the recruitment program we have under way at the present time.

As you can appreciate, the majority of the ministry's budget is in the conservation and renewable energy area. This is, in large part, not only a new area of technology, if I can use that word rather loosely, but also an expanding area generally in Ontario and throughout Canada. The competition is very keen, and there are very few qualified people. There are many people who would like to get into energy and who have an interest in energy, but whose qualifications would not lead you to feel that they would make an immediate contribution.



We are taking a very deliberate and careful approach to the hiring of staff. We want quality people and we're prepared to wait for quality people, because the consequences of hiring someone who is not well qualified in terms of achieving your objectives are, from our point of view, untenable. So we are experiencing some difficulty in getting the kind of people we want. But I think that's fairly common in other jurisdictions as well.

I'm not sure exactly what additional information I can provide to the members, other than the fact that we have a program of hiring students from universities under the co-op program. Students from, say, York University or University of Waterloo come to the ministry for a period of time as part of their educational program, and then go back and finish their academic year or get their degree. We found that this approach has been highly successful and is a very good source for obtaining employees who are familiar with the ministry and its programs and have the kind of academic background we find extremely helpful in undertaking the projects we have under way. We have four of those co-op students at the present time.

**Ms. Gigantes:** Mr. Deputy Minister, could I take you back a step? Did I understand you to say there are 47 professional staff? I missed the phrase you associated with 47.

**Mr. Rowan:** There are 47 additional positions assigned within the last few months to the ministry.

**Hon. Mr. Welch:** I think Ms. Gigantes wanted to find out what the net result of that 68 was in connection with the present staff.

**Ms. Gigantes:** Let me go back to these 47 additional positions. They have been authorized in budgetary terms over the last few months, and are in addition to the 68 now on staff. That's close to a doubling of staff.

**Mr. Rowan:** Yes.

**Ms. Gigantes:** Can you tell me in what period those authorizations were made?

**Mr. Rowan:** They were made in two steps. One was late last fall; the second was made more recently—in February or early March.

**Mr. Foulds:** All since the present minister?

**Mr. Rowan:** There is some correlation.

**Hon. Mr. Welch:** It just shows you the support he needs.

**Ms. Gigantes:** Just so we can have some comparison for the current staff levels, what

would have been the staff levels, say, two years ago at this time in rough terms?

**Mr. Rowan:** Could I go back to 1976? I have those figures. I think the Ministry of Energy staff was around 44 at that time. In addition to that, you would have to add 29 or so from the Ontario Energy Board.

**Ms. Gigantes:** Of these 47 additional positions which have been authorized, have you defined the jobs enough so that you can go to advertising?

**Mr. Rowan:** Yes. Let me give you that breakdown, if I may.

**Ms. Gigantes:** How many have been advertised?

**Mr. Rowan:** I can't give you that number, but let me tell you how they have been allocated within the ministry.

**Mr. J. Reed:** They are in the Financial Post. I have seen the ads.

**Ms. Gigantes:** I've seen some of them, but I haven't seen 47.

**Mr. Rowan:** Let me give you the breakdown. There would be three additional staff in the strategic planning and analysis group; 29 in the conservation and renewable energy group; two additional in the conventional energy group; and 13 in the administrative category. The administrative category would serve the total ministry and include the staff support people.

As you can see, the majority have been allocated to conservation and renewable energy, which is in line with the budget allocation.

**Ms. Gigantes:** That's 47, as I count it.

**Mr. Rowan:** In total, 47.

**Ms. Gigantes:** How many of those have been advertised?

**Mr. Rowan:** I can't give you that information, but I can get it for you.

**Mr. Chairman:** Are there any more questions?

Vote 2001 agreed to.

**Ms. Gigantes:** Mr. Chairman, I hope you'll count the 10 minutes we've gone over as 10 minutes late starting.

**Hon. Mr. Welch:** Yes, I think we can chalk up two and a half hours. That's conservation.

**Ms. Gigantes:** Yes.

**Hon. Mr. Welch:** No. That's time efficiency.

**Ms. Gigantes:** Recycling time.

**Hon. Mr. Welch:** I'm going to take a look at the Energy bus if anybody would like to take a look at it.

**Ms. Gigantes:** I'd love to, but I can't.

The committee adjourned at 12:45 p.m.

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**From the Ministry of Energy:**

Rowan, M.; Deputy Minister











No. R-3

# Legislature of Ontario Debates

## Official Report (Hansard)

**Standing Committee on Resources Development**  
Estimates, Ministry of Energy

**Fourth Session, 31st Parliament**

Thursday, April 10, 1980

Speaker: Honourable John E. Stokes  
Clerk: Roderick Lewis, QC



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# LEGISLATURE OF ONTARIO

## STANDING COMMITTEE ON RESOURCES DEVELOPMENT

THURSDAY, APRIL 10, 1980

The committee met at 8:08 p.m. in room 228.

### ESTIMATES, MINISTRY OF ENERGY (continued)

On vote 2002, conventional energy program; item 1, program development:

**Mr. Chairman:** All groups are represented. We are now on vote 2002, item 1, under conventional energy program.

**Mr. J. Reed:** Mr. Chairman, the one major area that I would like to touch on deals with what is probably the most available hydrocarbon and conventional energy source for the short term, in these next few years. Of course, that's natural gas. I think what we're mostly interested in is what is being done to enhance the enlargement of the infrastructure for the distribution of natural gas, understanding that at the present time it is available to about 65 or 67 per cent of the homes in Ontario, but that some of the smaller communities and so on don't have access to it. Yet, from two points of view it is still the most cost-effective way to provide low-grade heat for the heating of hot water, homes and so on. One, it's costed below the price of crude oil and the other, of course, is that its combustion efficiency is generally higher than that of heating oil and so on.

The Liberal Party's position on natural gas has been that it should be, in some way, unlocked from the 85 per cent of the crude oil price.

**Hon. Mr. Welch:** Do you agree with that?

**Mr. J. Reed:** Do I agree? Yes, I sure do. I also agree that the price has to be controlled. I don't think it has to be unlocked and let float as a free-market agent, because, it seems to me, the control and the price could fall into the hands of people outside the province.

**Hon. Mr. Welch:** You mean unlocked as far as oil is concerned, but still regulated as far as consumers are concerned.

**Mr. J. Reed:** Exactly. There has to be another system of regulation. Whether that regulation is in direct proportion to crude

oil or not I really don't know, but I don't think it should be.

We see crude oil prices now rising beyond the realm of the supply-and-demand situation. If we tie natural gas to the crude-oil scene we are also allowing natural gas to rise beyond the realm of the supply-and-demand area.

I would like to ask the minister what steps he is taking to approach the federal government to suggest that the price of natural gas should not necessarily be pegged in relationship to crude oil, that it should not necessarily be pegged at 85 per cent of crude oil but should find a regulated price based on some other premises.

Indications are that over the medium term natural gas will be available to us and will be available at a cost which should be very competitive. I think that Ontario's economy could benefit from some kind of pricing situation which would allow us to get out of the lock-in to crude oil, the lock-in to heating oil, and so on, and into a greater use of natural gas.

Admittedly, natural gas is not indigenous to Ontario in any great quantity and it would not appear that it's going to be. However, we can see a short and medium-term beneficial use, so I hope the minister will be able to comment on that and on the approaches that he has either made or plans to make to the federal government in relation to that price.

In terms of electric power, I think in my opening statement I pointed out there is some expert opinion which would indicate that electric power may not be the panacea for all things bright and beautiful. While, virtually, Ontario's only thrust into energy self-sufficiency has been electric power to this point, the future perhaps does not look as if we can simply interchange ad nauseam from oil utilization or fossil-fuel utilization to electric power utilization.

Our party believes there is probably a very interesting interchange or exchange from the use of diesel fuel into electric power in certain areas, for instance, for rail transportation, although the figures so far have

not perhaps proved out because the write-off costs look like being fairly long term. As the cost of crude oil changes I think that picture will probably change and we will see electric power for the turning of wheels as having a pretty high end use, if you like.

For purposes of producing low-grade heat, the options widen very quickly. Some information which I have would tend to indicate that the cost now, based on the kind of selling mechanism we have for electric power and the cost of fuelling an all-electric home, would be about \$22,500 per home. That's based on a 15-kilowatt installed capacity necessary to supply the home.

If some mechanism could be devised so that would be cut in half, it would be \$11,000 to \$12,000 instead of \$22,500. In either case, the capital investment is very high and, understanding that the marginal cost is also included in that new capacity necessary for home heat, it means that the cost under the present method of selling electric power is shared with every power user, whether he simply powers his lights or his motors or whatever.

If we have installed capacity at, say, \$500 a kilowatt and we then have to turn around and build a Darlington at \$1,500 plus per kilowatt in order to heat homes, that marginal cost may be unfairly spread among the people who turn wheels with electricity or use it to a higher end use.

I would suggest to the minister that understanding what the real investment is per Btu delivered and so on, any decision made regarding home heat and how home heat will be developed in the future in Ontario should be considered in the light of the true economics.

**Hon. Mr. Welch:** But you don't write off electricity as an option.

**Mr. J. Reed:** No, I don't write it off, but I think it should not have any unfair advantage and competitive options should not be eliminated from the consideration. That's really all I'm saying.

**Hon. Mr. Welch:** Because of gas pricing and other things?

**Mr. J. Reed:** Not necessarily. I think if you're looking at \$22,500, for instance, to capitalize the heat for one home, I can think of half a dozen other competitive options one might consider.

For instance, if you're building a home and you say, "We've got to spend an extra \$4,000 or \$5,000 to make it self-sufficient in solar," if you like—not saying that perhaps solar is competitive but let's assume for the moment that it's going to cost \$4,000 or \$5,000 addi-

tional to create a solar home—then I think the government should look at that kind of alternative for those end uses.

Maybe it's a business of approaching it from the point of view of what we need the energy for rather than how we supply energy en masse, a demand scenario rather than strictly a supply scenario, if you like, to get a little bit technical.

**Ms. Gigantes:** Mr. Chairman, are you going to go through every element of the vote under this item, or are you going to treat them subject by subject?

**Mr. J. Reed:** My apologies. Are we not discussing vote 2002?

**Mr. Chairman:** That's right.

**Ms. Gigantes:** I was wondering whether you were thinking of treating each area of energy supply separately. If you are agreeable to it, I think it would make more sense if we could try to deal with them in that way.

**Mr. J. Reed:** Okay, that's fine with me. I don't have any objection to that. I thought I would simply make my statement.

**Mr. Chairman:** It's up to you people, whatever you want to do, whatever approach you want take, as long as you stick to the items.

**Mr. J. Johnson:** Under 2002, does that include fuel alcohol?

**Mr. J. Reed:** That's a very good question. Is alcohol conventional energy?

8:20 p.m.

**Hon. Mr. Welch:** I think that would be under the renewable vote, which is 2003; the next vote.

**Mr. Chairman:** Yes, the renewable energy program, vote 2003.

**Mr. J. Reed:** I would be pleased to make one more short statement and then I'll turn the floor over completely to all the other members. I have said what I wanted to say regarding fossil hydrocarbons and electric power. The only other thing I might touch on is program development.

You had estimates in 1978-79 of \$1,231,000 and you had an actual expenditure of \$966,000. Now you've got estimates for 1979-80 of \$1,107,000 and 1980-81 estimates of \$1,162,000. Does that mean that really you are presenting a budget which is higher than you intend to spend on program development for energy?

**Hon. Mr. Welch:** No, I don't think that is the assumption. Of course, I'm not unmindful of the fact that it's one thing to estimate and then there is the actual, to which our colleague from Carleton East made refer-



ence. Certainly, it's our intention at the moment, on the basis of programs which we have in mind, to be able to justify that estimate.

**Mr. J. Reed:** Thank you. Mr. Chairman, I think I have really presented the main points of the areas I wanted to touch on in the conventional energy program. I realize I've limited them to very specific areas. I hope the minister might be able to respond.

**Hon. Mr. Welch:** If I may, I would respond to the comments as they reflect vote 2002(2), and at this stage introduce the background to my response, the section on natural gas: a policy on price and supply, as set out in our paper of September 1979 entitled, *Energy Security for the Eighties*, which is our policy for the province.

On page seven of that document we do establish or set out the Ontario position with respect to natural gas, and indeed, in many of these cases perhaps we're not too far apart from the concerns already expressed by my friend.

We say: "Realistically, crude oil policy cannot and should not be decided in isolation from natural gas supply and pricing policy. Accordingly, Canada's natural gas pricing and supply policy should include the following elements." I won't take a lot of time reading them all, but it's all set out there. We are concerned with respect to this almost inflexible relationship between the price of gas and crude oil which gets us into some of the situations to which my friend has made reference.

We have expressed some very real concerns about export. I should perhaps say at this juncture that I had the opportunity last night to meet with the federal minister and underline the Ontario policy with respect to many of the very points of concern which have been raised here.

I think it's a very legitimate question which the honourable member raises with respect to this whole issue of substitution. I might just ask Mr. Rowan, if he would, to make some comments on that. It's obvious that we had to get some hand on this whole situation as to where the utilities were going on conservation.

It's perhaps fair to say at this stage that the whole question of substitution has caught on, to a very large extent and the utilities are having no difficulty—I should perhaps put it the other way—they're responding as best they can to the demand or the conversion programs to get people on to this other fuel.

Maybe at this point it would be helpful if the deputy shared with members of the

committee just exactly where we are on that program.

**Mr. Rowan:** Mr. Chairman, in looking at ways in which to assist the Ontario consumer—the residential market I think Mr. Reed referred to, the home heating market—I think one looks first at the supply prospects for alternative energy forms. Crude oil or home-heating oil is one which is not only increasing in price but has a prospect of being in short supply some time in the future.

So when looking at the future with that in mind one looks at possible alternatives that are available. Natural gas is one of them, electricity is another alternative and things like propane or, depending on where the person lives and the availability of such supplies, wood. If he is particularly fortunate and has a stream running by his property he can make his own electricity.

**Hon. Mr. Welch:** Unfair, unfair.

**Mr. J. Reed:** Thank you, Mr. Rowan.

**Mr. Rowan:** But the issue of price, I think, is foremost when one looks at ways in which to provide alternatives to consumers in this province.

However, once you have decided there are some alternatives that are going to be in relatively long-term supply, you come down to natural gas, electricity and propane as being the energy forms which are going to be potentials for the majority of the people.

The question then comes, at what price levels will these energy forms be available? As the minister has indicated, as far as natural gas is concerned, while it is presently indexed at 85 per cent of the equivalent heat value of crude oil, the very fact that crude oil prices are marching upward and upward somewhere near world price levels, if you would believe the comments from Alberta or from the federal government, natural gas will continue to be attached to those price levels given the present policy. So while natural gas may be in fairly long supply, it may not be a cheap energy source.

Nonetheless, this province continues to encourage the federal government to uncouple natural gas from crude oil. At the same time, we have encouraged Alberta, ever since November of 1978, to proceed with the Alberta natural gas incentive program.

**Mr. J. Reed:** It was 65.

**Hon. Mr. Welch:** Lower.

**Mr. Rowan:** Originally, Mr. Reed, it was not 65; it was around 75 per cent at one

time, but has subsequently gone down to 65 because we understand that about 65 per cent indexing would be required at the very least to get natural gas from Montreal to Quebec City with the extension of the Trans-Canada PipeLine system. Even then it is not certain that that level, as I indicated, would make it economic to ship the gas at whatever price, because we're talking in relative terms.

**Ms. Gigantes:** I'm sorry, I don't see what the extension of the pipeline has to do with the relative cost of oil.

**Hon. Mr. Welch:** We're not talking about that, we're talking about—

**Mr. J. Reed:** I think Evelyn has got a point there. The fact is you're talking about a new lock-in at 65 per cent rather than 85 per cent in order to facilitate a Montreal-Quebec pipeline and Evelyn is asking a question about, all right, that may be based on today's crude prices, but Iran attacked Iraq today and the whole world is turning.

8:30 p.m.

**Hon. Mr. Welch:** We mustn't miss the basic point, we think it should be uncoupled anyway.

**Ms. Gigantes:** Mr. Minister, I'm sorry, but this is important for me to hear because the deputy, in response to my question—which essentially says 65 per cent of what? Is it today's crude oil prices that would permit a 65 per cent Btu equivalent for gas to provide the capital necessary to ship the gas from Montreal to Quebec?—said, "No, it's 65 per cent of any price." I don't understand that.

**Mr. Rowan:** Perhaps to facilitate your understanding, maybe I could, if you would allow me, explain the Alberta incentive natural gas pricing proposal as we understand it.

What it is designed to do is provide a lower price to natural gas distributors from the current price which is charged to those distributors for gas sold to consumers in Ontario or in Quebec.

**Ms. Gigantes:** Now, at today's prices.

**Mr. Rowan:** At today's prices, or at any price that may be established for crude oil, keeping in mind that there is an 85 per cent relationship between the price for natural gas and the equivalent heat value of crude oil.

**Mr. J. Reed:** With respect, the point that is being made is does the price of the pipeline increase at a rate equivalent to the increase in the price of crude oil?

**Mr. Rowan:** The difference between 85 per cent and 65 per cent is collected by the Alberta Petroleum Marketing Commission and it would be made available by that commission to natural gas distributors, whether in Manitoba, Ontario or Quebec, and those distributors would use those funds as a capital subsidy in order to justify the extension of their natural gas service to customers in the new service areas which are not now economic.

The relative price that I spoke of earlier, today's price of crude oil and next year's price of crude oil, is really immaterial. The percentage is still calculated on whatever the price of crude oil is at that date.

**Ms. Gigantes:** We understand that. What we did not understand was how you were telling us it didn't matter what price crude oil went to, that the 20 per cent was necessary for the extension of the pipeline from Montreal to Quebec. That surely doesn't follow. If you give these guys a crude oil price double what they get now, 85 per cent with a 20 per cent kickback for Consumers' Gas and Union Gas to extend their little lines, they will have lines to everybody in Ontario twice over. It does make a difference what price crude oil is at if you are going to run with this formula.

So what I was asking was, this description you were giving us of the buildup of capital for the purpose of the extension of the pipeline east at Montreal, was that related to current prices? Of course it has to be, current prices for oil, current prices for gas.

**Mr. Rowan:** You understand now.

**Ms. Gigantes:** I don't understand what made you say what you did.

**Mr. Rowan:** I must confess I'm not sure what your confusion is, but so long as you understand now that's all that matters.

**Ms. Gigantes:** Perhaps when you read the Hansard you'll understand my confusion.

**Mr. Rowan:** As long as you understand now.

**Mr. J. Reed:** I suppose then it follows, what have you been able to accomplish with the federal government? What kind of response do you have?

**Hon. Mr. Welch:** The element of decision with respect to the incentive plan doesn't lie with the federal government, it lies with the government of Alberta. I have recently Telexed—when I say recently, I guess within the last month—my colleague in the province of Alberta. I have asked for more information in connection with the final im-



plementation of this particular plan to which my deputy has made reference, and he says finalization on this plan will depend, of course, on the outcome of present negotiations going on with respect to crude oil pricing.

**Ms. Gigantes:** This is something I would like to raise, because I think this is where the whole ball of wax comes together.

**Hon. Mr. Welch:** That's where we are at, certainly.

**Ms. Gigantes:** Obviously if we are dealing with supplies, price, availability, the whole range of questions about natural gas for Ontario's purposes in the future, we are starting on the base of what happens to oil prices and supplies. That's where everyone starts negotiating and gas becomes one of the negotiating tokens, and I'd like to ask about ministry policy concerning what the Ontario government conceives to be reasonable trade-offs in this area.

We have just watched a federal government defeated over what looks now to have been 50 cents a barrel for at least six months, maybe a year, in terms of price, and the trade-off on that 50 cents a barrel we are looking at covers the gamut of increased exports of natural gas, the potential for hanging on to the 85 per cent Btu equivalent pricing for natural gas and an agreement that perhaps the export price for natural gas will be lowered to make it competitive with Mexican gas in American markets.

I'd just like to know what the minister feels on these issues because, it seems to me, Ontario, as a province that has to be very concerned about the short and the long-term availability of supplies of natural gas at reasonable prices, has to have positions on all these bargaining points and it has to be laying them out now. I would like to know what communications you have had and given to either Alberta or the feds on this.

**Hon. Mr. Welch:** The honourable member made some reference to this in a question in the House not too long ago with respect to the position which the government of Ontario is taking before the energy board, and I think we have made our position quite clear. I know the honourable member, in questioning the Premier (Mr. Davis), wondered whether the argument was sufficiently strong or whether we really had made the case on behalf of the Ontario consumer.

**Ms. Gigantes:** What did you think, Mr. Minister?

**Hon. Mr. Welch:** I felt that all the points were there. I must say that if I had been responding to the question myself, I would have had to underline that simply doubling the number of pages or tripling the number of paragraphs doesn't necessarily, of itself, strengthen the argument which Ontario has consistently made on this question of exports. It's a very well-understood and, I think, pretty well presented case which the province of Ontario has kept before the National Energy Board in a very consistent way—

**Ms. Gigantes:** Could I ask you on that point—

**Hon. Mr. Welch:** But before we get into that, if I might, Mr. Chairman, I really felt that in response, and not to avoid getting to this particular question, I really felt that our friend from Halton Hills was—

**Mr. J. Reed:** Halton-Burlington.

**Mr. Wildman:** Halton Hills, that's where they've got that big pit.

**Mr. J. Reed:** I'm from Norval, but my riding is Halton-Burlington.

**Hon. Mr. Welch:** I was thinking in terms of some other issues, no doubt.

**Mr. J. Reed:** Yes, if we hadn't saved it, it would have been Halton Hills.

**Hon. Mr. Welch:** I just want you to feel that I am a conservationist at heart.

**Mr. J. Reed:** Delighted to hear that.

**Hon. Mr. Welch:** He was anxious to know where we were with respect to this whole question of natural gas substitution in so far as the consumers of the province are concerned. I don't want to avoid that issue and I thought that's what I was inviting the deputy to show—that in the last several months we have had an overview with respect to where we are as far as the accessibility to this program of substitution was concerned, and with or without an incentive program, what might be accomplished.

I didn't want to avoid answering that particular question.

**Mr. J. Reed:** I think though what seems to have been explained to this point is that the ministry still respects a tie between natural gas prices and—

**Hon. Mr. Welch:** No, we don't.

**Mr. J. Reed:** Okay, what was it you said to the minister? How did you put the case for Ontario to him?

**Hon. Mr. Welch:** I have read nothing and certainly there is—

**Mr. J. Reed:** You've read nothing?  
8:40 p.m.



**Hon. Mr. Welch:**—nothing in making the case for the uncoupling of the price of natural gas as it relates to crude oil. Surely that's not in dispute. We have persistently taken that case. I made that point as recently as last evening as I talked again to the federal Minister of Energy. That was a fairly wide-ranging discussion and it would be for him to announce the federal policy. But, certainly, our position is quite clear and I invite you to read once again page seven of the Energy Security for the Eighties paper.

The point is that you have to be realistic. We are trained to plead in the alternative. Our position is quite clear with respect to allowing natural gas to have its price determined in some other approach.

Given that situation then, of course, we could follow on with our response along the lines of what might happen if that were agreed upon. At the moment though, Mr. Chairman, what I am trying to point out is that we've been trying to get some information about this incentive program. It makes a great deal of difference as to the extent to which this option or this choice is made available to the people of Ontario with respect to substitution.

We have some information available for you, which I thought you wanted, to show the degree of penetration presently within the province and what might be possible given an incentive program or no incentive program.

**Mr. J. Reed:** I would certainly welcome that.

**Hon. Mr. Welch:** And maybe if we could at least settle that, then I'll get back to the question that was raised by the member for Carleton East.

**Mr. J. Reed:** I would certainly welcome that. I suppose perhaps that—

**Hon. Mr. Welch:** I thought that's what you were asking for.

**Mr. J. Reed:** Perhaps what I am getting at finally is the minister has made some statements in recent months about electric heat and so on. I have tried to point out to the minister that there is a certain cost involved in the establishment of generating capacity, to say nothing of the energy efficiency of that kind of an approach.

Perhaps what I am getting at is, are you trying hard? How hard are you trying? Do you really want this natural gas to be competitive with electric power or would you like to see the lines cross somehow, because if they do, I have to tell you, the consumers of energy in Ontario are going to be the losers.

**Hon. Mr. Welch:** I don't want to take issue with an opinion. All I am pointing out is that we have ultimately to face reality, whatever that may mean, and I invite you to think about that for just a moment. The outcome as to whether or not we can make our case and have the benefit of that case—i.e. the uncoupling of the price—remains yet to be seen. We have to make certain projections on certain assumptions.

Assuming that there is no change with respect to the pricing policy in so far as natural gas is concerned, and thinking in terms of what may well be the assumptions about price changes, then there comes a time when these particular cost factors invite certain conclusions with respect to economic choices, and I think that's all we are saying.

To suggest for a moment that we hope that result will be a leaning towards one fuel as opposed to another I think is not justified. We have to make sure the people of Ontario have all of the information—and I hope that we are agreed to this—upon which they can then take some decision as to what they are going to do.

I'd like to see a choice available to the people of Ontario, as long as they have all the information with respect to what the implications of making a choice may be, and I think that we can see a situation—and I assume this is what the deputy was attempting to lead us to with his overview—where that choice might still be on whether you continue to use oil or whether you would use electricity. In some parts of Ontario, the third option might be natural gas; or instead of natural gas, in that situation, propane, with all of the implications that might flow from that. Is that unreasonable?

**Ms. Gigantes:** Is that a policy?

**Hon. Mr. Welch:** Let me ask first if that's considered unreasonable. Not to lead people, with respect to what their decision might be, but to provide them with the information upon which they can make a considered decision.

**Mr. J. Reed:** What I get from that kind of response is a ministry not campaigning for any other alternative except to watch the lines cross, and to say, "Well now look, boys, we have no other option."

**Hon. Mr. Welch:** No. May I suggest this? There's one assumption; to get off oil, yet not be hooked as to which direction they might jump.

**Mr. J. Reed:** Okay. But I don't get from your meeting with the honourable federal minister that you are saying, "Look, the economy of Ontario in the short term—"

**Hon. Mr. Welch:** I said this to the federal minister last night.

**Mr. J. Reed:** "—is going to depend on a competitive price for natural gas."

**Mr. McNeil:** Probably fell on deaf ears.

**Hon. Mr. Welch:** Well, I'm not so sure.

**Mr. J. Reed:** No, I'm not so sure either. What I'm not sure about is the kind of case being made with the federal people, the forceful case that is going to say to them: "Look, we would like to spend our money in areas other than the simple generation of electric power. We have other energy options. We have a tremendous distance to go in some of the areas that are available to us. Are you going to give us the chance to develop those other areas?"

One of the ways is, with respect—and I don't mean to interrupt you—to utilize those Canadian resources that are available without putting this incredible per-unit home expenditure into one source and putting all our eggs into one basket.

**Hon. Mr. Welch:** Perhaps, Mr. Chairman, I could make this comment. I don't mean it to be overly critical, but we wish to satisfy you that we're not trying to make a case for any particular fuel, but rather that the interests of the people of Ontario are the paramount issue.

**Mr. J. Reed:** I agree. I couldn't agree more.

**Hon. Mr. Welch:** If we could at least agree with that and also agree that if we're going to establish—

Interjection.

**Hon. Mr. Welch:** With all due respect, it has to be the interests of the people of the province. Secondly, if we're going to accomplish the goal of crude-oil self-sufficiency by whatever date — and there could be some differences of opinion on that—then one of the ways to accomplish that goal is by substitution. There's general agreement we have to get people off crude oil, whether it's in home heating, or transportation, or wherever it may be. Let's just talk in general terms.

**Mr. J. Reed:** I'm with you—

**Hon. Mr. Welch:** We hope to provide the people of Ontario with some choice, and to provide them with all the information—whatever that information should include, let's say that now—so they can make a considered decision with respect to the options which they elect.

The difficulty I find—and I can understand it in the political context—is what seems to be a suggestion that because we

are in a surplus or positive position with respect to electricity, we're leaning that way simply to justify the surplus. I think that's unfair.

**Mr. J. Reed:** I don't know whether it's unfair. It's an honest observation.

**Hon. Mr. Welch:** Recognizing it as an advantage, at least there's a choice.

**Mr. J. Reed:** Is it an advantage to have—

**Hon. Mr. Welch:** Could I ask you a question: What if we can't do something about that pricing policy for natural gas? Is it not to our advantage to have some alternative?

**Mr. J. Reed:** How hard are you trying?

**Hon. Mr. Welch:** Good gracious, what do you want me to do? Take off my shirt and beat myself with a choice of ropes? What more do you want me to do than to make the case for Ontario?

8:50 p.m.

**Ms. Gigantes:** There's a serious problem, I think, in the National Energy Board hearings; for example, on exports of natural gas. I am critical of the quality of the presentation—I'm not talking about the quantity—that Ontario made for the December decision on the 3.75 trillion cubic feet exports, and the quality of the submission that Ontario made for the latest consideration of the half a trillion cubic feet.

**Hon. Mr. Welch:** I accept any criticism that you may have on this, Ms. Gigantes.

**Ms. Gigantes:** I'll ask you, Mr. Minister, to take that criticism seriously because I'm serious about it. Take a look, for example, at the Manitoba presentation made at last year's hearings. Look at the amount of consideration the NEB had to give to the Manitoba presentation.

**Mr. Wildman:** You mean Sterling Lyon outdid him?

**Ms. Gigantes:** Yes, indeed. Absolutely.

**Mr. J. Reed:** There may be one thing might be added to that.

**Ms. Gigantes:** You will notice in the NEB's summary of their position, agreeing to the 3.75 trillion cubic feet export in December, they took a few lines to dismiss Ontario's presentation. They had to take a lot of space and effort to reject the Manitoba presentation.

When you have a neighbouring province willing to give the time and effort to produce a presentation of that quality to the NEB, you could, here in Ontario, co-join their efforts to make sure the presentation made on behalf of the eight million people of Ontario was at least of the quality of the



presentation by the Conservative government of Manitoba.

Hon. Mr. Welch: Let me respond to that. I understand what the honourable member says. It's a value judgement as to whether 13 pages as opposed to 113 pages is a more effective argument. It's the content that's important—

Ms. Gigantes: That's correct and I'm suggesting that.

Hon. Mr. Welch: —and the consistency of the approach. Your opinion has to be viewed from the standpoint of whether or not you feel the presentation was strong or effective enough.

As you know, and as other members of this committee will know, the NEB is charged under its particular act with the responsibility of recommending to the federal cabinet whether natural gas is surplus to the needs of this country and whether or not it should be exported. Let's be quite clear so we have it on the record, the government of Canada, the federal cabinet, has the final authority to decide whether there should be exports.

Ms. Gigantes: What you're suggesting, in a sense, is that it's more important to discuss these things at the political level than to enter into a lot of effort to make a presentation to the NEB.

Hon. Mr. Welch: No. I'm not saying that at all. I think it was December 6 following—I remember the day very well—a NEB hearing and report, the federal government authorized the export—as the honourable member, Mr. Chairman, has correctly pointed out—of 3.75 trillion cubic feet of natural gas over an eight-year period.

Ms. Gigantes: And that was on top of the 40 trillion cubic feet we exported in 1978 and will continue exporting.

Hon. Mr. Welch: The honourable member will also recall, in fairness, that I advised the House at the time—it was a Friday morning—that a decision to allow the export of this large quantity of natural gas at a time when the oil and gas-pricing agreement was still not completed—I'm talking about December 6, 1979—between Ottawa and Alberta, that it was very disappointing and quite disturbing and, further, that it was premature and inappropriate.

Since then an application has been made to the NEB for the export of a further half a trillion cubic feet of gas. Between March 18 and March 24, 1980, the NEB held hearings into that particular application, and a decision and a recommendation to the federal cabinet

by the NEB are, I'm told, expected fairly soon.

Ms. Gigantes: We know all that, Mr. Minister. We remember all that.

Mr. J. Reed: Mr. Minister, I just wonder if you appeared on stage with Joe.

Ms. Gigantes: The Liberals have been exporting for years. They're exporting a trillion cubic feet a year.

Hon. Mr. Welch: Do you want the answer? I don't agree with you.

Ms. Gigantes: I beg your pardon. I was accosted for no good reason.

Mr. J. Reed: Evelyn, I wouldn't accost you.

Hon. Mr. Welch: I'd be glad to take the case.

Mr. Chairman: Order, please.

Hon. Mr. Welch: I'd be glad to see my whip here to protect our interests. As with previous hearings of the National Energy Board, our Ministry of Energy intervened on behalf of the consumers of the province and Ontario industry.

Ms. Gigantes: It wasn't an intervention worthy of the name. It was a repetition of the same kinds of phrases.

Hon. Mr. Welch: What more would you want that intervention to say? Let me tell you what it said. Let's just see.

Ms. Gigantes: I've got a copy of it.

Hon. Mr. Welch: You've challenged it, but what more would you want any intervention to say? Let me summarize.

Ms. Gigantes: To point out the need in Ontario—

Hon. Mr. Welch: No, let me summarize what was said in that intervention.

Mr. J. Reed: Let the minister summarize it.

Hon. Mr. Welch: What did we say to the National Energy Board?

Mr. J. Reed: What did you say?

Hon. Mr. Welch: One, that national gas export decisions at this time are premature, quite clearly. First, other critical energy issues such as crude-oil and natural-gas pricing have to be taken. We said also in that intervention that a national energy supply policy had to be determined. That didn't take 117 pages. It was said in those two sentences.

Two, in that particular intervention, I remind the honourable member, if she's read it, that Ontario supports the building of the Alaska gas pipeline having regard to the



resulting industrial and employment benefits to Ontario. Ask the member for Welland-Thorold (Mr. Swart) what he feels about that.

Three, if additional natural gas exports are to be authorized, we point out in our intervention at that time that higher-cost synthetic natural gas should be exported first.

Four, we said that Canadian consumers had to be protected against the export of low-cost conventional gas, requiring an early reliance on higher-priced frontier gas. I think that's a very important point. I hope the honourable member will agree.

Five, we went on to say, as a province acting on behalf of the people of Ontario, the price of natural gas should be uncoupled from the price of crude oil so that benefits of any surplus in the form of lower gas prices could be made available to all gas consumers.

Six, we said that an incentive natural-gas program should be put into place to provide gas service to those areas where it is commercially feasible to do so before any—and I underline the word "any"—additional exports are authorized.

The bottom line of the position of Ontario is that we are opposed to further natural gas exports at this time and under the present circumstances. Other than repeating those six cases 103 times, what more could we have said to summarize the position we consider to be in the best interests of the people of Ontario?

Ms. Gigantes: I think you could have pointed out what date the NEB has projected we will be in a deficit position in conventional supplies of natural gas. You could have pointed out the rate of development you foresee for natural gas in Ontario. You could have pointed out the degree of substitution for oil you expect and hope for in Ontario. You could have pointed out what effects—as accurately as you can estimate them—the increase in the cost of natural gas, which will naturally follow according to the NEB projections by about the year 1992, will have on the need to switch to far-flung reaches of natural gas sources. You could have pointed out the effects on Ontario consumers, eight million of them, and Ontario industry.

I think there's a neater and more persuasive argument an honest and earnest effort from this government could put before the NEB to convince that body to make a different recommendation to the federal government.

9 p.m.

Mr. J. Johnson: You'd think they would listen.

Mr. J. Reed: Those Tories that were in at the time—

Hon. Mr. Welch: The decisions had been made.

Ms. Gigantes: That's for half a trillion. But 3.75 trillion have already been approved. There are a few other things about those exports I think we should discuss at the same time.

It's clear at this stage that there is bargaining going on about the price of oil that Alberta will settle for versus, if you will, the amount of natural gas exports they are demanding for natural-gas producers in their province. They want that market. They want it fast. They want the federal government to allow a lower export price for that gas so that it will sell fast.

Can you tell me, Mr. Minister, your understanding of how many contracts for what amount of gas of the 3.75 trillion cubic feet approved in December are being taken up now?

My understanding is that there's a gas bubble in the United States; that Mexican gas is still undercutting Alberta gas in competition for the export market in the United States; and that there is going to be real pressure on the federal government to lower the requirement for the export price of natural gas.

Is Ontario willing to give in to that? Just what kind of hand do you figure you're holding, and just what kind of case do you figure you can put forward on behalf of Ontario consumers?

It's one thing for the National Energy Board to say, "You can export 3.75 trillion cubic feet of gas," but if nobody in the States is buying it doesn't make much difference in the short run. If, however, the federal government gives in to pressure now to lower the export price—the fixed price that they set for the export of natural gas—so that the American market does pick up Alberta gas, then we're going to see the 3.75 trillion cubic feet move fast, along with the extra 500 trillion cubic feet if the current application gets approved.

I'd like some understanding of just how you see those elements, first of all—whether you've discussed the export price of natural gas with the federal minister or with the Alberta minister. I think that's where we have to start, because that's where the trading is going on now.

Hon. Mr. Welch: As far as trading is concerned, we're not trading with anybody on that particular matter. We made our position on behalf of the people of Ontario, which I

have already summarized in some respects, with regard to the most recent application.

Certainly the most recent application has some connection with the whole question of pre-billed, in order to make some feasibility out of that. I think it's fair to say in that connection that I raised that matter with the federal minister last night, particularly as it related to condition 12. I came away from that meeting with no indication that the federal government, particularly at this point, was entertaining lifting condition 12 from that discussion.

**Ms. Gigantes:** Have you heard Mitchell Sharp's statements and his recommendations from the Northern Pipeline Agency on that?

**Hon. Mr. Welch:** Mitchell Sharp is not a member of the cabinet at the moment.

**Ms. Gigantes:** You feel pretty certain the federal government is not going to permit export on a pre-billed basis?

**Hon. Mr. Welch:** I had no reason to leave my meeting with the federal minister last night thinking he was about to make that particular recommendation.

**Ms. Gigantes:** That's one point, and it's a very important point.

**Hon. Mr. Welch:** In fact, he did assure me during the course of those discussions that the cabinet of this country has not taken a decision on this matter.

**Ms. Gigantes:** We know that.

**Hon. Mr. Welch:** Further, he has advised the officials in the United States not to expect changes in the Northern Pipeline Act which would compensate for delays occasioned by events and difficulties in the United States.

**Ms. Gigantes:** I hope they stick to that position.

**Hon. Mr. Welch:** I would hope, and I made that point quite clear, that they will not—and I underline “not”—modify condition 12 of the Northern Pipeline Agency.

**Ms. Gigantes:** Okay. That's good. Did you get into a discussion of the pressure to lower the export price for natural gas? Have you considered that question?

**Hon. Mr. Welch:** The answer to the question is no, I did not. I'm not aware of any pressure to lower the export price.

**Ms. Gigantes:** There's a lot of pressure in Alberta.

**Hon. Mr. Welch:** You asked me about pressure in the United States to lower the price.

**Ms. Gigantes:** No, not by the producers in the United States—they're quite happy in the

short term to sell off their bubble which I understand exists.

I was with three colleagues in Calgary and Edmonton during the school break, and it was clear from the public discussions going on in Alberta at the time, and certainly in private conversations we had with people in the business and in regulatory agencies, that Alberta was looking to a trade-off on the question of the export price for natural gas so that 3.75 trillion cubic feet export approval would start to move.

**Hon. Mr. Welch:** You mean Alberta was asking for a reduction?

**Ms. Gigantes:** Exactly, because they can't sell at \$4.47.

**Hon. Mr. Welch:** I must admit I did not discuss that with them.

**Ms. Gigantes:** I think it's important for you to find out about that because that may be one of the federal trade-offs, to try to get an oil-pricing agreement that will be more suitable to Ontario's needs in the short term.

**Hon. Mr. Welch:** I take it that your concern is this might be the price we pay for some modification of Alberta's strong stand.

**Ms. Gigantes:** Exactly. The other joker in this whole deck is that—

**Hon. Mr. Welch:** I didn't sense that in my discussions, I must say. But I accept what you say.

**Ms. Gigantes:** Certainly when I was in Alberta it struck not only me but the three colleagues I was with that this was a very important element in the discussions going on with the Hon. Mr. Lalonde who was in Alberta at the same time we were. This was one of the items being discussed at that point. Mr. Lalonde was speaking on the radio in Calgary about the pressure he was feeling on this matter.

The other matter of concern to me is whether you have a good sense, when you talk to your federal counterpart, of the potential market in eastern Canada compared to the potential export market; of what that might mean in terms of what we should be doing from an Ontario point of view to try to assure Alberta producers the market they need, and at the same time assure us the supplies we are going to need in the immediate and long run.

My quick analysis of the size of those relative markets leads me to feel that the American potential market is probably four times the size of the potential market of an extended supply to eastern Canada. Given that, and given the pressure on small Canadian producers who are sitting in Alberta with



locked-up gas they can't see and get their money out of to continue their explorations, it seems to me we have reached the point where we might consider making an offer in Alberta to buy gas in the ground, perhaps to the Canadian small producers—not small in terms of Ontario's needs, but small in terms of the very large international gas producers in Alberta.

Have you looked at the size of the market that Alberta is looking for in order to assure their producers some return on their investment over a reasonable period of time? Have you looked to see whether we could make them an offer that would lessen their desire and their need, in revenue terms, to get an American market?

Have you given any consideration to an Ontario investment in identified natural gas in the ground that we could buy at current Canadian prices, or close to current Canadian prices, and hold against the day when all prices are going to double in five years by the looks of things, whatever kind of government we have in Ottawa? Ontario would be able to release that pressure for Alberta exports to the American market, make an investment in supply at reasonable prices for Ontario use and have something to bargain with in the discussions with Alberta and with the federal government.

**Hon. Mr. Welch:** I understand the point you are making is if you get some pressure off the small Canadian producer in Alberta, you might take away that incentive to go south rather than to go east.

9:10 p.m.

**Ms. Gigantes:** That lust for export.

**Hon. Mr. Welch:** I understand what the honourable member is trying to point out, and I think it's a very interesting proposition. But notwithstanding what you did to help the small producers, how would you get around the fact that the Toronto city-gate price is already established?

**Ms. Gigantes:** That's right. You would buy it at the Toronto city-gate price.

I talked to a small Canadian producer in Alberta with banked-up natural gas he can't sell. He said Ontario should be making an offer for natural gas in the ground in Alberta. I asked him how Ontario could make an offer, and he said, "You put an ad in the paper and you'd be swamped."

**Hon. Mr. Welch:** Is it correct that what might happen in that situation is there would be some interpretation that you are asking the consumers of Ontario to provide the cash flow for those small producers in Alberta?

Why not say it would be in the national interest and perhaps the responsibility of the government of Canada to do that and, therefore, preclude any exports as a result?

**Ms. Gigantes:** That sounds fine if you want to make a joint negotiation through the federal government. If we are going to bargain, I think Ontario should be willing to say we have to have something to bargain with, if capital is what we have got to bargain with.

**Hon. Mr. Welch:** An agreement carries with it the implication that both sides would have to agree, and the proposition you are inviting for consideration is, if you remove that cash flow pressure—

**Ms. Gigantes:** On the small Canadian producer.

**Hon. Mr. Welch:** —or however you want to interpret it, there might not be the same interest to go south; that provided they had the money they would be quite willing to go in any direction as long as they—

**Ms. Gigantes:** They would continue with their delightful job of finding new sources of natural gas, fracturing off the difficult sources and so on. I think it's something Ontario should be looking at now. I think it's an initiative which would gain respect in the west and that it would be helpful to a federal government which was elected with a mandate to try and make sure that—

**Hon. Mr. Welch:** Are you optimistic that it might work?

**Ms. Gigantes:** Yes, I actually am. In fact, I would go so far as to suggest we decide to make an offer to Alberta through the federal government, or perhaps with the federal government co-operation, that instead of that last 500 trillion cubic feet being exported, we'd like to enter into some kind of negotiation to buy it and hold it for our future use. It would be something I think would interest Alberta, provided that the price seemed reasonable.

What are we now paying here at the Toronto city-gate these days? It went up recently. Is it \$2.16 now?

**Hon. Mr. Welch:** I think it is \$2.30.

**Ms. Gigantes:** Okay. Suppose we offered a little over \$2.30—

**Hon. Mr. Welch:** The Toronto city-gate price is \$2.30.

**Ms. Gigantes:** Fine. You could offer anything in a range between \$2.30 and \$4 and start dickering over what it's worth.

You'd have to pay out capital, but we did it in cyncrude and it was a good payoff.



With oil prices rising, if you take 65 per cent, the Btu equivalent price for gas, and work out what would be a reasonable equivalent, we could make a good deal that way.

**Mr. J. Reed:** Mr. Chairman, I'd like to get this into this discussion because that's an interesting proposition, to pre-purchase resources. It's probably something that could be discussed and thought about on a federal basis, particularly.

One thing the honourable member should remember, though, is when one provides a cash flow for resources in the ground one has to cover an interest cost which sometimes isn't small. If it has got to carry for a period of, say, five to seven years, you are looking at possibly a doubling of the cost of that material when it actually is delivered.

**Ms. Gigantes:** It's not a doubling. We did it with Syncrude.

**Mr. J. Reed:** All right. But at interest of 16 or 17 per cent it doubles in five or six years, doesn't it?

**Ms. Gigantes:** We did it with Syncrude. We put in \$100 million and we got back \$160 million after four years. It was a decent—

**Mr. J. Reed:** I think when you are dealing with a commodity you are in just a little bit different position.

**Ms. Gigantes:** Syncrude was a commodity.

**Mr. J. Reed:** Although I agree in principle, and I agree that there is a value that one could arrive at, when you are dealing with the commodity you are just in a little bit different position. I agree in principle that there is a value one could arrive at, assuming a delivery over a certain period of time. But I think the government has one other bargaining tool which the minister might consider on the subject of gas, and that is the political bargaining tool.

I think both my friend Ms. Gigantes and I have expressed what is a concern among the people of Ontario—and the minister shares this concern—about the export of large quantities of gas forever out of the country when, in fact, we look on gas—

**Hon. Mr. Welch:** Surely we are together on that?

**Mr. J. Reed:** I think we are all together on that.

**Ms. Gigantes:** Of course we're together. The difference is this, Julian. If Ontario simply goes and makes the political case over and over, I would suggest that we could make it better. I think we could add a lot more substance in terms of what we know—

if I could just finish this; you had the first three quarters of an hour.

**Mr. J. Reed:** You always do, Evelyn.

**Ms. Gigantes:** It seems to me important that Ontario not go simply with figures and good arguments, cogent as the minister can be, and passionate as the Premier can be. I have been quite proud of the Premier on occasion.

**Mr. J. Reed:** The Premier?

**Ms. Gigantes:** Yes, and I have said it before.

**Mr. J. Reed:** Passionate?

**Ms. Gigantes:** But I think Ontario has to display some willingness to take an initiative to participate in overcoming the real revenue difficulties for small Alberta producers in the natural gas field to which the Alberta government will respond and to which the federal government has to pay attention. We have to show some recognition that we understand that difficulty and say we are willing to discuss it in that we would like to sit down and see if we can work out a reasonable kind of arrangement.

Then we wouldn't just be saying: "Don't export that natural gas. That's ours. We are going to need it." We'd also be saying: "Look, we're willing to make some commitment, because we think we need it."

**Hon. Mr. Welch:** I'm certain Mr. Reed might want to comment on that. But I want to say, so that there's no misunderstanding, we sometimes can be critical of people who are themselves simply critical and offer alternatives. I appreciate the fact that the honourable member is trying to be helpful by recognizing there are some problems with respect simply to taking a negative position with respect to exports. I recognize that the small producer in Alberta has some problems he is anxious to resolve and sees exports as a more immediate solution to that problem. I understand that.

The difficulty I think we have to understand in this whole context is to make sure, whatever the solution may be, and as reasonable an approach as it may sound, that it is in the best interests of the consumers of Ontario. I think that's really how we have to measure these things, to some extent.

**Ms. Gigantes:** That, obviously, one would have to look at.

Can I make one more point on this, Mr. Minister? Time and again in Alberta we were told by the small producers and by the regulators, people who participated in the Alberta Energy Resources Conservation Board decisions or who had for many years

been involved in the oil industry and so on, that even if the large exports which were approved in December by the National Energy Board and which are contemplated now for approval by the NEB go ahead, they're not going to help the small Canadian producer. It's the big companies that are going to do the exporting. They have access to the gathering lines that now exist. The small Canadian producer is left out there in Alberta begging for prorationing on that gas pipeline, and we can make them an offer.

There are a lot of wrinkles that would have to be worked out and a lot of complications. But I think it's worth an effort.

**Hon. Mr. Welch:** I think as long as we understand that there are perhaps more wrinkles; and having said that, there are a lot of curves to the wrinkles. But I understand what the honourable member is attempting to accomplish. I'm sorry we interrupted.

**Mr. J. Reed:** Mr. Minister, I hope there is one more bargaining tool that the minister has considered, and that is the politics of this whole question as it relates to the federal government. The federal government is elected, and they are elected in the province of Ontario too. Probably the province of Ontario is where the swing takes place or took place historically. It seems to me that the people of Ontario, on a broad base, are concerned about these large exports of natural gas. On the other hand, the present Liberal government and the previous Tory government both came to the conclusion that there is and must be a rather large quantity of natural gas in order for them to justify its export. What all the motives are, neither you nor I will ever know. But the federal government has to be conscious of the fact that people in Ontario are concerned with that.

9:20 p.m.

It would seem logical to me that one of the bargaining tools in talking to the federal government about the pricing of natural gas has to be this concern. One of the ways for the federal government to relieve that concern would be to engage in an unlocking or separating process from the price of crude oil. It would call the bluff, if you like, of the concern that is expressed for those exports. If in fact there is this great quantity of natural gas, these known reserves and so on, one says: "Fine. There's no economic reason and really no production reason it should be tied to oil."

**Ms. Gigantes:** But, Julian, the potential eastern market in Canada is just not as big

as that in the US. I think that's part of the problem.

**Mr. J. Reed:** I appreciate that the eastern market is not as large. I also appreciate that the Canadian government is elected by the Canadian people, not the citizens of the United States of America. If in fact there is enough reserve of natural gas to facilitate these exports—which there may very well be; neither you nor I know that—it remains that politically we express our concern that these exports take place, because we know that we will be dependent on that gas for many years to come.

**Ms. Gigantes:** Look at page 17, on the Ontario energy reserves. It duplicates the figures of the National Energy Board as to why we will have to turn to the far resources of gas, which are going to be expensive. The date, according to these figures, is 1993. We're talking about a pretty close time frame; and this is before the current exports that have been approved.

**Hon. Mr. Welch:** Do you take exception in any way with the three-pronged test for determining this whole question?

**Ms. Gigantes:** In Alberta they are using the Alberta Resources Conservation Board figures to establish reserves of natural gas. As far as we could hear from all sides of the issues—critics, supporters, everybody; and we talked to a lot of people I consider to be very well informed—they seemed content with the way these estimates were being made.

There have been new technological breakthroughs in the ability to fracture off sources of gas that couldn't be gathered easily and economically before. That's why they've extended their reserves estimates. There seems to be agreement, though.

**Hon. Mr. Welch:** I'm talking really about the test for the determination of surplus.

**Ms. Gigantes:** I'm not satisfied, Mr. Minister, when I look at the figures you have reprinted from the NEB.

**Hon. Mr. Welch:** The reason I raise this is I want to invite some discussion about whether or not you are for any export at all.

**Ms. Gigantes:** We are now currently exporting a trillion cubic feet. We produce 2.5 trillion cubic feet a year, and we're exporting a trillion cubic feet of that. That's an awful lot already, and that was before the current exports were approved.

**Mr. J. Reed:** I would like to venture an opinion on that, if I may. I am not opposed to the export of natural gas.



Ms. Gigantes. I am.

Mr. J. Reed: I'm not. As a part of North America and as citizens of this continent, I don't think we can isolate ourselves. I just don't think that that's reasonable. I don't think it's possible. Our economies and so on are tied very closely. But I do believe and I have to say this most emphatically, when exports are contemplated, they should only be contemplated after the true resources are known and accepted.

Ms. Gigantes: We are exporting now almost half of what we produce. That's under the old contracts. Is that enough?

Mr. J. Reed: Please.

Ms. Gigantes: I think that's more than enough.

Mr. J. Reed: The way we deliver whatever energy resource we have, or what percentage of it we deliver, is not particularly a consideration. What is a consideration is what the proved resources are, what we have to fall back on and what we expect to consume in the future.

Ms. Gigantes: If you could look at those figures and still say you're in favour of mass exports—

Mr. J. Reed: I'm as concerned about the exports of gas as you are. But I cannot in conscience make some blanket statement that says, "Under no circumstances will we export energy." It's not a part of my psyche to say, "This is all mine and you can't have any of it."

Ms. Gigantes: It was that kind of attitude under Liberal governments in Ottawa that gave us the oil shortage.

Mr. J. Reed: What I'm saying is, as long as I am sure I have abundant reserves for myself I would say to you, "As an American, I'm willing to share some of that abundance I have with you." I don't think that's—

Ms. Gigantes: We don't have an abundance, Julian. This is gobbledegook you're talking.

Mr. J. Reed: That's the unanswered question at this point, I think.

Mr. Wildman: Mr. Chairman, on a point of order: I would like to hear what the minister's position is.

Hon. Mr. Welch: On what?

Mr. Wildman: On the whole question of the export and on the proposal made by my colleague about the small producers in Alberta.

Hon. Mr. Welch: I appreciate that the honourable member is attempting to inter-

vene. But I think that has been a healthy exchange. I'm sure that the honourable member won't—

Mr. J. Johnson: Are you responsible for the export from Alberta, Mr. Minister?

Hon. Mr. Welch: Not at all.

Ms. Gigantes: Mr. Chairman, could I ask one more question?

Hon. Mr. Welch: I don't want to avoid the question.

Mr. Wildman: I wasn't trying to say that you were avoiding it. I thought it was an interesting discussion, but I'd like to—

Mr. J. Johnson: Why don't you let us carry on? I thought it was interesting too.

Hon. Mr. Welch: I said, really, the bottom line on the position of Ontario is we are opposed to further exports at this time.

Mr. Wildman: I realize that. But what about the proposal made by my colleague?

Hon. Mr. Welch: I also wanted to say I found it a very interesting approach, rather than simply being against something, to be introducing a factor or some type of an approach. I haven't any competence for measuring the implications of all the wrinkles. The point I would raise, and I think it's reasonable, is the only difficulty we know the small producer in Alberta has is the availability of cash. One can't avoid the fact that if they had cash, they're going to go out and find more gas.

Ms. Gigantes: That's right.

Hon. Mr. Welch: And then, of course, we have this ever-increasing circle with respect to price.

Ms. Gigantes: But think how much easier our argument will be in a couple of years with the price of natural gas then.

Hon. Mr. Welch: If you want to go to the—if you wouldn't mind me saying—free-enterprise concept of supply and demand.

Ms. Gigantes: Oh, I love negotiations. Let's negotiate. I want you to get right in there, Mr. Minister.

Hon. Mr. Welch: But you must be careful in solving what you may define as an immediate problem that we don't aggravate the situation with respect to it.

We come back to the very basic question, about which I thought there was some very significant exchanges, as to where we are on this whole question of exports the question of a North American community as opposed to a Canadian community, and whether the word "surplus" is really an appropriate word to use with respect to resource.



**Mr. J. Reed:** The word "surplus" is not an appropriate word to use with any nonrenewable resource.

9:30 p.m.

**Ms. Gigantes:** Well, then, what were you talking about?

**Mr. Minister:** can I ask one further question on this whole matter? When we were in Alberta, I kept asking people, "How big is the TransCanada pipeline?" If we extend Ontario markets as far as we can anticipate them in three to five years, if we contemplate the extension of the Quebec market and east, we're obviously going to have to get a second pipeline, but how much pipeline capacity and storage capacity exists here in Ontario for us to be able to go ahead with the extension of service with gas in Ontario? The indications I got in a very general way were that that pipeline is now used to near capacity.

**Hon. Mr. Welch:** As far as the TransCanada pipeline is concerned, the main pipeline, in so far as servicing goes, if we're talking about Ontario—

**Ms. Gigantes:** Yes.

**Hon. Mr. Welch:** There may be a bit of looping required but I would think the capacity is there to service as far as the main line is concerned. There are all kinds of lateral installations and other off-main pipeline installations that would be necessary for the expansion of the infrastructure.

**Ms. Gigantes:** I understand that.

**Mr. J. Reed:** It might be interesting just as a statistic, I think our gas consumption is actually less than it was three or four years ago when some of our generating capacity was on line.

**Hon. Mr. Welch:** That's right.

**Ms. Gigantes:** That's correct. What I'm trying to find out is, is there any reason for concern about the capacity of the existing TransCanada pipeline as far as the extension of gas services in Ontario is concerned?

**Mr. W. Newman:** Mr. Chairman, may I ask a supplementary then? How come you've twinned it and how come you want to go through my farm again?

**Mr. J. Reed:** That's a very valid point.

**Hon. Mr. Welch:** That's called looping, and actually it's not everybody who has that opportunity to be looped. You have won a prize.

**Mr. W. Newman:** Would you like a glass of water—over the head?

**Mr. Wildman:** Harry Parrott calls that the looping fluke.

**Hon. Mr. Welch:** Some win Wintario, some win loops.

**Mr. J. Reed:** I wonder if in the time frame it would be possible, without offending Evelyn, to ask the minister if he has any information he can give us as to where he thinks the costs of natural gas will be eclipsed in competitiveness with the costs of electric power and how he arrives at that figure. Has he advanced in his studies to that extent yet?

**Hon. Mr. Welch:** We just happen to have some charts.

**Mr. J. Reed:** It will be very interesting to hear this, because I would like to know the rules of the game as to how you arrive at those figures.

**Hon. Mr. Welch:** So that you won't consider me biased I'll ask the deputy to share with you. It all depends on who draws up the charts. We have some charts.

**Mr. J. Reed:** When the deputy draws them up, I'd like to see them in detail.

**Hon. Mr. Welch:** Very objective.

**Mr. Mackenzie:** The deputy would like to get into it at this stage. I don't think he's felt too comfortable in the last little while.

**Mr. Rowan:** Oh, I've felt very comfortable, thank you, I'm pleased that you're thinking of my comfort.

**Hon. Mr. Welch:** That's a very good question. Are you interested in the answer? Are you looped, too? I don't mean it in that context.

**Mr. J. Reed:** I felt the danger when I was at the 65th birthday party for my colleague from Grey-Bruce (Mr. Sargent), but now that we've got into the business of the evening I feel much more down to earth.

**Mr. Rowan:** The question, as I understand it, is, when will the price of electricity become less than the price of natural gas?

**Mr. J. Reed:** And how do you arrive at that?

**Mr. Rowan:** Yes, and how do you arrive at that? In other words, what are the assumptions that go into that calculation?

Of course, the question as to assumptions is the key question. I would be the last person to say there could not be several assumptions, quite different from the ones we made. There could be a whole range, for simplicity's sake we'll just deal with one set of assumptions.

The date, the point of reference, according to these assumptions, is between 1991 and 1992 when electricity will cross the line with natural gas and become more competitive.

**Mr. Mackenzie:** That's just about the time that our natural gas supply also turns, isn't it? It's maybe a year later from the charts you have here.

**Mr. Rowan:** At this point I think I should indicate that the chart you're looking at is a chart which was printed in June 1979. Since then there has been another National Energy Board hearing on the supply and demand for natural gas.

There is a new calculation, and it was on the basis of that projection or estimate of the remaining established reserves and the projected demand in Canada over a 25-year period, using the three tests that the minister referred to earlier of current deliverability, current reserves and future deliverability, that the National Energy Board came to the conclusion there was a surplus to Canadian demand.

**Mr. Mackenzie:** To what year? How much did it change the chart from 1992-93, which is what appears?

**Mr. Rowan:** Maybe if I can get somebody to look that up, we can show you a new chart, rather than take the time now.

Let me just read from this. Incidentally, the comparisons we are making are between electric resistance heating, natural gas and oil. The base-reference price comparisons are for the cost of heating a residence using electric resistance heating, natural gas or oil. The ministry study done on equivalent heat basis does not depend on the size of home or level of insulation and produces comparative percentage data.

The Ontario Hydro study, which we were referencing—

**Mr. J. Reed:** They're always unbiased.

**Mr. Rowan:** —assumes a three-bedroom home insulated to Ontario Electric League standards and gives absolute dollars for the time period shown. Under the reference date, the pricing data is for January and early February 1980 and includes 1980 hydro rate increases, but does not include any oil or gas price increases.

On March 1 the \$1 a barrel increase on crude oil flowed through to the fuel-oil distributor, and later gas distribution companies were allowed a 15 per cent million cubic feet price increase. A further increase is expected in September for oil and gas prices, but the amount will depend on federal-provincial negotiations.

Some of the assumptions for heating efficiency are for electric, 100 per cent—that is calculated on 3,412 Btus per kilowatt hour—natural gas, 65 per cent.

**Mr. J. Reed:** Sixty-five per cent? If you can't do better than that with a potful of natural gas you shouldn't be burning it.

**Mr. Rowan:** These are seasonal efficiencies. If you would like to get into some discussion on this following, we'd be delighted to have any one of the staff discuss this with you.

**Mr. J. Reed:** Water heaters are operating at 88 right now.

**Mr. Rowan:** I take it you would like to stop now and have discussion at this point?

**Mr. J. Reed:** I'm sorry, I'd probably forget on the way through.

**Ms. Gigantes:** We just wanted to flag it.

**Mr. Rowan:** Can I make a note of that?

**Mr. J. Reed:** Sure. Sixty-five per cent efficiency on natural gas is somewhere out of the 1960s.

**Mr. Rowan:** With your permission we'll have staff come later and discuss that with you.

**Mr. J. Reed:** I'd love it.

**Mr. W. Newman:** May I ask a supplementary?

**Mr. Wildman:** Are they putting another bunch of stones on your farm?

**Mr. W. Newman:** No, there's a certain amount of fertilizer that's made from natural gas. It's a very important one, too.

**Hon. Mr. Welch:** It's not confined to that.

**Mr. W. Newman:** I wish I could capture it all here and put it on the farm, I wouldn't have to buy any.

Anyway, how come ammonium nitrate has increased to such a great price? It's made from natural gas. In the agricultural industry this year it's running to a 50 per cent increase.

**Ms. Gigantes:** Gas has gone up 800 per cent in the last five years.

**Mr. W. Newman:** What has?

[9:40 p.m.]

**Ms. Gigantes:** Natural gas, in price.

**Mr. W. Newman:** I'm talking about the last year. I don't go back that far. I'm just a young fellow.

**Mr. Rowan:** We can get that information.

Oil heating efficiency—I'm almost afraid to mention this number—65 per cent based on—

**Mr. J. Reed:** Oil heating, yes. I can agree with that figure for oil heat.

**Hon. Mr. Welch:** We should like to provide you with the answer to your question. Whether or not you agree with it is another



matter, but perhaps you will let us give you the answer and then we can—

**Mr. J. Reed:** I'm sorry. These criteria keep popping out.

**Hon. Mr. Welch:** I wouldn't want you to lose sight of those, but on the other hand—

**Mr. Rowan:** Sixty-five per cent heating efficiency at 166,500 Btus per gallon.

Now, getting to energy price projections of retail prices; electricity: The assumption is it will be at the inflation rate plus one per cent to about 1985. From 1986 on, the assumption is that electricity will track into the inflation rate.

For oil, world oil price increases are assumed to be expected to reach \$82 Canadian per barrel, landed Montreal, 1991; the Canadian crude oil price increases to 85 per cent of world-price levels.

For petroleum products, distribution margins, these will increase at about the inflation level.

For natural gas, the city-gate price for 100 per cent load factor, natural gas, Toronto, is projected at 85 per cent of domestic crude oil, Btu equivalent.

These are the assumptions that are built into this projection, Mr. Reed. The distribution margin is assumed to continue at the inflation rate.

Under the crossover points, with the pricing conditions, the efficiency rates, and the inflation assumptions shown, electricity will be cost-competitive with oil by 1983 and will be a serious competitor to natural gas beginning in the late 1980s. The exact date for this crossover point will depend on such factors as world prices for crude oil, Canadian crude-oil pricing, Canadian government policies on natural-gas pricing, actions taken by distribution companies and producers to maintain their market.

If all the assumptions shown are correct, the crossover point for electricity compared with natural gas would be about 1991.

**Mr. J. Reed:** May I ask a question? You did mention an insulation standard for electrically-heated homes early in your presentation. You have mentioned no standard of insulation, or for efficiency—

**Ms. Gigantes:** They have been discounted in their study.

**Mr. J. Reed:** They discounted. What did they discount?

**Ms. Gigantes:** They discounted for the size of home and for insulation, if I understood the deputy.

**Mr. Rowan:** Yes. Our study was done on an equivalent-heat basis and does not depend

on the size of home or level of insulation, and produces comparative percentage data.

**Mr. J. Reed:** So you're assuming equalized insulation?

**Mr. Rowan:** Yes.

**Mr. J. Reed:** And you are assuming \$82 a barrel oil in 1992?

**Mr. Rowan:** We're assuming that the world price for a barrel of oil, landed in Montreal, by 1991, will be \$82 Canadian.

**Mr. J. Reed:** You're assuming no change in the debt equity ratio of Ontario Hydro.

**Mr. Rowan:** I think that's a reasonable assumption, yes.

**Mr. J. Reed:** So you allow Ontario Hydro's debt equity ratio to slip to its present point and you leave it there? You don't try to recover and make it financially any more healthy.

**Mr. Rowan:** I have some difficulty with assuming that it will stay the same, then the comment that it would slip.

**Mr. J. Reed:** It did slip from 1975 to the present time.

**Mr. Rowan:** I'm sorry. I obviously misinterpreted your question.

**Mr. J. Reed:** Yes. You're assuming no recovery of that debt equity ratio.

**Mr. Rowan:** My understanding is that Ontario Hydro rate references to the ministry, which are reviewed by the Ontario Energy Board, do show an improvement in its debt equity ratio over the next few years. Precisely how much that improvement is I don't know, but they do have as one of their targets an improvement of their debt equity ratio.

**Mr. J. Reed:** You don't know how much?

**Mr. Rowan:** Precisely, no, but that's on the record.

**Mr. J. Reed:** All right. So you have \$82 a barrel oil by 1991. You're assuming no change in the relationship between natural gas and crude oil?

**Mr. Rowan:** The 85 per cent index.

**Mr. J. Reed:** You're assuming that the 85 per cent relationship will stay regardless?

**Mr. Rowan:** We're suggesting for the purposes of this case only, if the 85 per cent relationship stayed the same, along with all the other assumptions we've made, the crossover point would be around 1991.

**Mr. J. Reed:** On that basis, 11 years from now there would be a crossover point.

It's quite interesting to observe that \$82 oil makes methanol look like a piker's dream



as an energy option. It's interesting that some of these other alternatives—I'm sure your consideration of methanol as an energy option in Ontario would establish methanol being competitive probably with \$25 or \$30 oil. But you are projecting—and I don't think you're being unrealistic here—\$82 oil. I wonder if one introduced one other energy source into this scenario, whether it might not cross over at a much earlier point.

**Mr. Rowan:** Mr. Chairman, we'd be very happy to talk about methanol. For the purposes of this particular analysis we did not introduce a renewable energy source into the calculation, or methanol, whether it's produced from whatever—

**Mr. J. Reed:** Frankly, I don't care what it is if we look at alternative fuel.

**Mr. Rowan:** —but we'd be happy to look at that perhaps when we look at vote 2003.

**Ms. Gigantes:** Mr. Chairman, on the same point, dealing with the assumptions of the study, I think it's probably useful to note that right now there are oil furnaces and gas furnaces commercially available with the seasonal efficiency of 75 per cent. For gas in particular, the Canadian Gas Research Institute has, with ministry co-operation, developed a gas furnace with a 90 per cent seasonal efficiency which they expect, once it's been certified, will be commercially available by 1981. So the assumptions are very much the worst-case assumptions, apart from natural gas.

**Mr. J. Reed:** I'm interested in the 65 per cent.

**Ms. Gigantes:** The question I'd like to ask is what the ministry expects in penetration of that kind of gas furnace into the Ontario market. Do we have an estimate at this stage of what the commercial cost would be, and what the payback period would be for a family making an investment in a new furnace with the 90 per cent energy efficiency ratio?

**Mr. Rowan:** There are a number of other assumptions and there is a comment or two to do with the efficiency of gas and oil burners. If the members would like me to continue, perhaps the comments which were just made might be put into a better perspective and perhaps we could answer any supplementary questions which would seem appropriate.

9:50 p.m.

Four: under the heading of "Capital Costs for Conversion from Oil to Gas," the conversion costs range from very low—for

example, \$30 for a new damper with a monthly rental cost of \$3.75 for a new burner—to a high of \$2,000 for an old-style heating system that requires complete new furnace installation and changes to the total heating system. For oil to electricity the conversion costs include a new service entrance, a 200 amp capacity and the installation of electric heating units either centrally or to individual rooms, and are usually up to \$2,000 in total cost.

There are some notes to these assumptions which I think are quite important as well. The Hydro study uses the projection of the third block rate for North York as the average community electrical heating rate, the Metro Toronto Consumers' Gas price for gas, together with the Toronto fuel-oil price in determining the average crossover point.

Second note: the electric heating cost projections assume an even distribution of electric rate increases across the rate structure. A major change in the rate structure could affect the crossover point.

Third note: the study assumes electric resistance heating only. The use of electric heat pumps would involve a major capital investment but would increase the efficiency of electric heat and bring forward the crossover point.

Fourth note: gas distribution companies have been promoting conversion to gas heating and financing conversion in connection costs over a period of up to five years. Electric utilities have not been promoting conversion and have not offered financing plans.

Number five: the most significant assumption is the burner efficiency of 65 per cent for gas and oil. This efficiency may be high for existing burner equipment but is considered right for present technology conversion equipment.

Number six: the burner efficiency may be higher for new super-efficiency furnaces now under development but not yet introduced by oil and gas distributors. The introduction of these new burners would delay the crossover point and, of course, the degree of delay would depend on how many are introduced during the period under question.

Mr. Chairman, that concludes the various assumptions that go with the cost comparisons. We'd be very happy to answer any questions the members have.

**Hon. Mr. Welch:** Mr. Chairman, regarding the question asked by the honourable member with respect to the new fuel-efficient gas furnaces, our indication was that in the initial stage that furnace would be used for new connections.

**Ms. Gigantes:** Yes.

**Hon. Mr. Welch:** Now you are wondering what would happen as to the staging in the introduction of that—

**Ms. Gigantes:** Let me give you an example. I live in a house now that's about 10 years old and I guess the furnace is 10 years old. We converted to gas when the Ottawa gas came in and did it free, put in one of those little new thingumabobs, connected us all up, tore up our front lawn, and they charge us—it's in the two-dollar-and-something range per month for that.

**Hon. Mr. Welch:** A rental then, in other words?

**Ms. Gigantes:** Yes, it's a rental, that's right, so we have a contract on it. Now that is not going to last forever and somewhere in the next few years, presumably when this new efficient furnace is on the market, we will have to make a decision. We will have to make an investment anyhow; maybe the same gas company will be interested in helping us and finance that investment.

What projections are you talking about when you say this new efficient furnace would delay the crossover point—I'm sorry, speed up the crossover point by delaying the switch to gas? I would like to know more about the assumptions that go into that judgement because it seems to me a family in our position, in a couple of years or so—that furnace is not going to last—will have to make the investment. We're certainly going to go to a 90 per cent one if we can get it, and we'll do it in the best kind of finance schemes we can, either through the gas company or all over.

What is going to delay the penetration with the switch to gas? For people in that situation, what kind of assumptions do you make about that? How much would such a gas furnace cost? Is there an estimate on that?

**Mr. Rowan:** I'm not aware that they're on the market commercially at this point.

**Ms. Gigantes:** No, they're not. According to the figures the ministry gave me, commercial availability is expected by fall of 1981.

**Mr. Rowan:** Therefore, I don't have a price.

**Ms. Gigantes:** Is it possible to get an estimated price?

**Mr. Rowan:** I'm not sure if Lennox would have a price list at this time. I don't know whether you would want our office to see if we can get it. We could try.

**Ms. Gigantes:** I'm not looking for it to the 50-cent mark, but in the rough range. What are we talking about, \$1,000, \$2,000?

**Mr. Rowan:** We could try.

**Ms. Gigantes:** Thank you.

**Mr. Mackenzie:** I looked at the closing arguments in Ontario's submission. It bothers me a bit that, in spite of the minister's vehement defence against the export of natural gas—

**Hon. Mr. Welch:** Spirited defence.

**Mr. Mackenzie:** Spirited, whatever term you wish to use.

I recall the experiences I had working with the Union Gas Company for a number of years selling gas and promoting the extension of lines. I was always fascinated by the information we were given by Union Gas in terms of promoting new lines. Back in the late 1950s and early 1960s they were really promoting the expansion of their lines and the number of homes that we had to sell.

I recall going down to Amherstburg, in particular, on one campaign. It involved, really, a relatively small percentage. You made your marks as a gas salesman based on how many homes you signed up for the fuel. If they signed up for heat instead of just a kitchen stove or a water heater—although water heaters were the big sellers—all the better. But the amount of gas you were actually selling against the capital cost of putting in a line was extremely small. Yet it was a profitable operation for the company.

One of our big selling arguments with Union Gas was, "Look, we can buy at the cheapest price"—this was over the summer months when the demand wasn't as great—"because we can store almost unlimited quantities in the old wells in the Sarnia-Petrolia area." One of the selling points of the Union Gas Company was that they had natural storage facilities and could store almost everything they could buy.

One of the jolts I got when I moved from Windsor to Hamilton was that gas charges were higher in United Gas in Hamilton. It has since been taken over by Union Gas. We were paying more for the gas, even though the TransCanada pipeline cut down not too far from Hamilton, so that they could feed off the supply of gas in the city of Hamilton, short of the line into Windsor and into the storage facilities they had. I couldn't understand why they were charging substantially more in the Hamilton area. Obviously it was a profitable operation any way you took a look at it.

Among the arguments they gave us in selling the gas was there was no connection with oil, that they could outdo it in terms of costs, performance, and any measurement you wanted to use. So, I have never been able to understand how we got sucked into this tie-



in to the price of oil. The proud boast of the company was that there was no relationship. It took with the consumers when you were selling the products.

I think the kind of exports we have entered into are absolutely immoral. I recognize that's a federal agreement, but I'm not at all sure there has been enough opposition from Ontario. I'd like to know, for example, just exactly how much gas we can store; whether we were being sold as employees and salesmen of the company on the storage facilities that were available; whether or not we shouldn't have been buying and storing a great deal more, and possibly buying the reserves that are in the ground in terms of Alberta oil.

10 p.m.

I understand that at least one or two of the gas distribution companies in Ontario intervened on the export to the US. I'd like to know how strong their interventions were and whether or not this government had any tie-in with them. It would seem to me that there's at least a natural opening in terms of dealing with the Duke of Kent in Chatham.

I'd like to know also whether one of the proponents of tying the price of natural gas to oil has been the Ontario gas companies. It seems to me it's a bonanza for them, in spite of whatever may be going to the Alberta government, if they can keep that price tied to the costs of oil.

There are a number of things I'd like to know about the kind of influence the companies in Ontario had on maintaining that tie to the price of oil. It seems to me that there's a lot of looking to do at the use of natural gas to replace a lot of our oil use.

This is probably what we have to look at first and foremost. There is no rational at all that I can see for the pricing arrangements and no justification for most of what we're exporting, based on what we can do with gas. It can replace a lot of the home-heating oil and other oil use in Ontario. Unless somebody's really fouled up the costs and figures, it's a damned competitive fuel.

Hon. Mr. Welch: Mr. Chairman, to respond to some of the questions, I would direct the honourable member to page 18 of the Ontario Energy Review and make some comments with respect to storage. It says, in the third paragraph, "Obviously some of the gas is piped to underground storage pools in southwestern Ontario and, with new pools added in 1978, the province's total storage capacity has now reached 138 billion cubic feet, about two months' supply." It goes on to make some comments about this.

Certainly, in my discussions with the distributors—most recently with one of them—I found that they share our view with respect to the uncoupling of the price, for obvious reasons.

Mr. Mackenzie: They are supportive?

Hon. Mr. Welch: Oh, yes—and for obvious reasons. On the basis of some questions asked earlier, they see the competition in the future with respect to other fuel as being a fairly significant competition. So they would be just as interested as we are in seeing the very point that you made accomplished in so far as uncoupling is concerned.

It's a matter of opinion whether or not you feel our argument is effective, whether or not it's strong enough. I can only reiterate that certainly, as the minister carrying the government position and being consulted from time to time by those who are our legal advisers before the board, I feel our position has been quite clearly stated and repeated.

I don't discount the interest of either the honourable member who has just spoken or his colleague for Carleton East with respect to how important it is to continue to press the case for Ontario on this whole question of exports. But here, once again, notwithstanding the fact that the decision lies elsewhere, I do think that we are together, surely, on several of these very important points.

I go back to something I was trying to emphasize earlier in this discussion so as not to overlook what I thought may have been the direction in which we should have been leading some of our answers earlier this evening. We have done some fairly extensive work as to where we are with respect to the installations that are in place now for the provision of natural gas service, where we might go in the next stage, where it might be deemed uneconomic to go, even with an incentive plan, and what we're going to do in those areas.

I hope you would agree that if we could work on one assumption, we have to make sure the people of the province have the opportunity to get off oil and have some choice between natural gas and/or electricity; or where perhaps natural gas is not available for very obvious reasons because of the economics of transmission, that they would have access to propane. I feel, on the basis of my experience with this ministry, that we have been pursuing this policy fairly aggressively. Apart from some differences of opinion with respect to the degree, the cases that have been made, the speed or other matters, surely there is a great deal of this argument with which we're all in agreement as being



in the best interests of the people of the province.

**Mr. Mackenzie:** If that is the case, the difficulty that I have is reinforced. I don't know why you, with the support of the distribution companies and knowing the potential for replacement of oil which is obviously a problem that we have, were not able to convince the federal Tories, your own friends in Ottawa just recently, on the additional export, which, as far as I'm concerned is totally immoral.

**Hon. Mr. Welch:** It may reinforce the point, but if that were the only matter that had to be settled, that would be one thing. In so far as this issue is concerned, it's wrapped up with a number of other issues.

**Mr. Mackenzie:** There are obviously bigger companies involved, because neither the Ontario Conservative government nor the gas distribution companies carried much weight in those talks with the federal government.

**Hon. Mr. Welch:** I suppose it's a matter of trying to put into balance the overall national mixture. I can't add anything to that. Whatever results have been obtained up to now are a matter of record and positions taken by various governments and/or distributors is a matter of record, too. There it is.

**Mr. J. Reed:** You touched on the business of increasing the gas infrastructure in some areas. I wonder if you might enlarge on that area.

**Hon. Mr. Welch:** That's where I thought we were going in an earlier question.

**Mr. J. Reed:** Yes, I think we did start on it and we got sidetracked.

**Hon. Mr. Welch:** We have done a fair amount of work on that, and Mr. Rowan might be able to help us with that.

**Mr. Rowan:** I wonder if I could have some assistance from Mr. Bruce Fountain on it, who has been working on this matter for the ministry. We have some charts. With the chairman's permission we might show those charts.

**Hon. Mr. Welch:** I'm glad you've mentioned this.

**Mr. J. Reed:** I'm glad I did, too. I wouldn't have this gentleman sit here all night in an unproductive way. It's show-and-tell time. We might as well end up in a blaze of glory.

**Mr. Wildman:** There's a classmate of one of my younger sons who refers to show-and-tell time as "show and lie."

**Hon. Mr. Welch:** It's not his son who says that, it's his friends.

**Mr. J. Reed:** I would never make a suggestion like that. Sometimes maybe I should, but I wouldn't.

**Mr. Mackenzie:** Have you considered buying into or even buying control of this very profitable distribution agency, the natural gas companies in Ontario?

**Mr. J. Reed:** The great socialist hordes are coming down the hill.

**Ms. Gigantes:** If you do, don't buy into the synthetic gas contracts.

**Hon. Mr. Welch:** There's one you should avoid.

**Ms. Gigantes:** You'd probably be better investing in the gas in the ground.

**Hon. Mr. Welch:** Your former employer—

**Mr. Fountain:** What we've done here is undertaken a study in terms of where natural gas presently is in Ontario. With this series of overlays we'll illustrate where gas might be introduced potentially into different areas of the province.

What we have done here is illustrate where natural gas service presently is in Ontario. We have the TransCanada pipeline facilities entering the Winnipeg-Ontario border, swinging down towards Thunder Bay, laterals going off into Atikokan, the Red Lake area, again swinging north across the clay belt, extending down to North Bay, down through Muskoka, and coming into the area north of Toronto.

Here it branches and another line goes down to the Montreal area, with a lateral off to Ottawa. In addition to that, there's a further line which was the original source of natural gas.

**Mr. Mackenzie:** This branch into Ottawa. Is that Consumers' Gas?

**Mr. Fountain:** It's Ottawa Gas, which is 100 per cent owned by Consumers' Gas.

Another large-diameter line comes in on the Niagara Peninsula, which originally brought American gas into the Toronto area about 1953 or 1954. In addition to this, natural gas is provided from western Canada, exiting at Emerson, Manitoba, through the Great Lakes Line, which is 50 per cent owned by TransCanada PipeLines, swinging across the upper peninsula of Michigan with a lateral into Sault Ste. Marie, swinging down through the centre of Michigan and entering again south of Sarnia. It's in this general area that the storage facilities of the 137 tcf were mentioned.

10:10 p.m.

**Mr. Mackenzie:** Do you happen to have a figure on how much is coming in, for example, with the Union-United chain from

the Canadian route and from the American route at present?

**Mr. Fountain:** That would vary in day-to-day flow. Generally you'll find it's approximately 50-50. In addition to that, we have a very limited production, two to three per cent, coming from indigenous Ontario sources.

The coloured areas here represent the gas franchises which are currently provided and approved by the Ontario Energy Board in the provinces. The yellow across northern Ontario, extending down to Lake Ontario and St. Lawrence shore, represents the Northern and Central gas area. You see a number of laterals going off to Thunder Bay, Geraldton, Timmins, North Bay, Sudbury, Espanola and then swinging down.

The orange represents Consumers' Gas, principally here in central Ontario, the Niagara Peninsula, and eastern Ontario.

The green represents Union Gas, primarily in the old areas of southwestern Ontario which have a history of residential natural-gas development going back to the turn of this century.

In addition to that, there are a number of independent operations in the province. We have what was formerly the Medina Gas Company, now known as Natural Resources Gas, working in the area immediately south of London; Wellandport Gas, a small independent on the backside of the Niagara Peninsula; municipal utilities operated in the city of Kingston and the city of Kitchener; and a small amount of gas coming in from Inter-City Gas Limited of Winnipeg, which goes into the Fort Frances-Rainy River area. This gas exits from Canada into the United States in bond and re-enters Canada.

**Ms. Gigantes:** Could I ask about the municipally-owned utilities? There are only two of them, eh?

**Mr. Fountain:** Yes, Kitchener and Kingston.

**Ms. Gigantes:** How long have they been operating as municipal operations?

**Mr. Fountain:** Kingston predates the introduction of natural gas. They originally had a coal generating station there that provided coal gas. In Kitchener the Breithaupt family, I believe, operated a manufactured gas operation there prior to World War II. They sold out some time in the mid-1940s; I believe the municipality took it over at that time.

**Mr. Wildman:** I thought he was still manufacturing natural gas.

**Mr. J. Reed:** He just changed the venue.

**Mr. Fountain:** They purchase their gas from Union Gas.

**Ms. Gigantes:** Is it possible for a municipal utility to do its own purchasing through the pipeline?

**Mr. Fountain:** Kingston purchases directly from TransCanada PipeLines.

**Mr. Wildman:** Could I ask one question? Who determines the extension of that line? For instance, on the line that goes to Espanola as you probably know, there has been discussion for many years about its extension along the North Shore to Blind River towards Sault Ste. Marie. Who determines that?

**Mr. Fountain:** I'm not certain of the complete history of this case, but the way it is done historically is that the gas company makes a survey and assesses the market. If they believe the market is adequate for them to make a return they then make application to the municipalities involved in terms of how they get the gas there and the provision of a franchise for that particular community. In addition to that they also must receive the approval of the Ontario Energy Board.

**Mr. J. Reed:** I have a question that follows on that. In this area of southern Ontario there are a number of blank spaces. They cover areas where there are a number of small towns, towns of 3,000 people or less.

For instance, up in here is the town of Wingham.

**Hon. Mr. Welch:** We are coming to that. That's overlapping.

**Mr. J. Reed:** I'm getting ahead of you, I'm sorry.

**Mr. Fountain:** In addition, we have factored into the map the major laterals' direction in the province. I should indicate that something Mr. Reed has alluded to is the fact that just because the township, which is the basic area in which a franchise is provided, is coloured in, it may not mean that gas is universally available within it. The rules of economics will decide. In some cases you may only be serving one population centre within the township, but the entire township does get the franchise.

**Hon. Mr. Welch:** This may not be the overlap that you want. If there isn't one, we'll make one up.

**Mr. J. Reed:** I'm sure you will.

**Mr. Fountain:** This series of dots along the Lake Erie shore here, which is slightly out of position, indicates the principle on-shore terminuses of the natural gas that's coming



from the wells in Lake Erie. As I mentioned earlier, two to three per cent of the gas from Ontario comes from these offshore sources. There is a very active exploration program with a relatively high level of success, but certainly relatively small wells in comparison to the wells we find in the western sedimentary basin of Canada.

**Mr. J. Reed:** You were mentioning the business of indigenous gas. Are there any wells in Lake Superior?

**Mr. Fountain:** No.

**Mr. J. Reed:** Any gas in Georgian Bay?

**Mr. Fountain:** No, what happens is your sedimentary areas run up here and then cut across. We have sedimentary areas, but the sediment is very thin running across the extensions of the Bruce Peninsula here, running back into Michigan. Michigan has quite an active program in here right now.

These red squares introduce the location of the bulk propane distribution stations in Ontario in order to provide another dimension as to gas supply. In this case it's bottled gas as opposed to piped gas.

**Mr. J. Reed:** Substitute the word "monopoly" for distributor.

**Mr. Fountain:** I think it's kind of interesting if you notice the concentration of red dots that are in the southern Ontario area. In many cases these are used for purposes such as agricultural crop drying, the provision of gas for recreational vehicles, heating of construction sites, a variety of applications.

**Ms. Gigantes:** What's the name of the monopoly?

**Mr. Fountain:** There are about eight companies involved.

**Mr. J. Reed:** Oligopoly then.

**Mr. Fountain:** This next series of overlays indicates the communities which the major utilities in the province have studied—

**Hon. Mr. Welch:** Pay attention, we'll have questions after this.

**Mr. Fountain:** —have studied in terms of the possibility of providing natural gas service. I should emphasize these are very preliminary studies. They haven't done detailed costing analysis. Indeed, the engineering work on it has been very preliminary, but it gives an idea of the direction and scope.

We have over 160 communities represented on this map. The population in these communities represents about 4.8 per cent of Ontario's total population. The major areas where we don't have natural gas service presently are the Red Lake area, the North Shore of Lake Superior—Terrace Bay, Marathon

and Wawa—extensions of service along the north channel, the blue water country and parts of the Ottawa valley.

These red lines indicate the laterals which would be required for natural gas to be provided there. They can be route-sensitive. You could say to bring this gas into these communities you may want to come from Thunder Bay. In this case we have it coming from Long Lac. There are many variables, but this is only directional.

Some of these are concentrations of population which are en route which will be caught up, local concentrations at crossroads or whatever. Not all of them are pure organized municipalities.

**Ms. Gigantes:** Are these extensions ones for which the distribution companies have made application or made suggestions? Or are these your ideas from the ministry?

**Mr. Fountain:** I have prepared a list of them. Companies have commented very generally about them; they indicate interest on a very general and preliminary basis.

**Hon. Mr. Welch:** No formal application.

**Mr. Fountain:** There's no formal application in terms of any of any of these communities right now.

**Mr. Wildman:** The local companies have done studies though? I asked about the north channel. They have done a number of studies.

**Mr. Fountain:** Yes.

10.20 p.m.

**Mr. Mackenzie:** Has the minister done any studies or are they all private studies? In other words, have you put a potential cost figure on any of these laterals?

**Mr. Fountain:** No, we have not.

**Mr. Wildman:** That looks like an awfully long lateral which you have coming from Wawa over to Chapleau.

**Mr. Fountain:** Yes, that is.

**Mr. Wildman:** For 5,000 people in Wawa and 3,000 people in Chapleau.

**Mr. Fountain:** There are only four major industrial accounts which intend to use natural gas but are not natural gas customers. These include pulp mills in Terrace Bay and Marathon, iron ore sintering in Wawa and the uranium refining operations in Elliot Lake. None of the other of the 160 communities have large industrial commercial operations which can provide a base load. These are primarily residential communities.

**Mr. Wildman:** One of the reasons you don't have an industrial base in Blind River, though, is perhaps because they haven't had a rich energy source.



**Mr. Fountain:** I'm certain if the market had been there they would have been delighted to build the line from Espanola.

The last overlay we have here is a very preliminary assessment in terms of Ontario communities which at this time we felt were unlikely to have natural gas service provided to them. These are communities of about 500 population and these are communities with no large industrial or commercial load available to them. Because of their small population, remoteness of location or any other combination of factors perhaps, we found that it was very hard to justify the very preliminary economics in terms of providing natural gas service to it.

**Mr. Rowan:** One additional point I think is very important: in all of the assumptions that have gone into which communities could have natural gas and which do not now have it we have factored in the 65 per cent indexing that would come, we hope, from the Alberta natural gas incentive-pricing program.

**Ms. Gigantes:** You have to get a new sheet for the minister's "lower-lower."

**Mr. Rowan:** So, as Mr. Fountain has just said, this last overlay identifies those communities which, even with the 65 per cent index, would still not be economic and we would have to go to some much lower number in order to accommodate gas service to those communities.

**Mr. Fountain:** The population in these 40-some communities represents less than one half of one per cent of Ontario's population. It is interesting that four of the communities only are in northern Ontario. The greatest concentration is in this area here with some odd pieces in eastern Ontario and the other counties.

**Mr. J. Reed:** May I ask, have you been able so far to do some preliminary assessment about what might be the most feasible additions?

**Hon. Mr. Welch:** Yes, we're working very closely.

**Mr. J. Reed:** You have shown us the least logical, eliminated the least logical. For instance, if the capital were available, and so on, and we could start out tomorrow morning with the men and machinery to dig the line, where would be the first line?

**Mr. Rowan:** We have approached that in two ways. First of all we have categorized the communities in what we call A, B and C categories. The A category communities are now served with natural gas but not necessarily every residence in those communities has chosen to be converted.

The B categories are those communities that the natural gas distributors have identified as being economic and they have made application or are in the process of making application to the Ontario Energy Board to service those communities.

The C category communities are those which could be economic if there was some incentive through the Alberta program. It is in this category your questions really lie, and we are working with the utilities now to produce a priority list, if you will, by distributor.

I think one of the interesting aspects of that process is that there are a number of different criteria one could use. If you use the criterion of serving the most people you would probably extend your service in the more urbanized areas—the areas, say, in the city of Toronto that do not now have gas mains. That may not be seen to be the most fair way of extending service; you may wish to have other criteria so the concentration of effort is in the largest urban areas but perhaps may be spread to a number of urban areas. So we are looking at the criteria and trying to come up with what is the best way, if there is a best way.

To answer your question, we are in the process now of identifying, using the time which unfortunately is available, if I can phrase it that way, until such time as Alberta agrees to put in the incentive program.

**Mr. J. Reed:** Just as an example, what category is Wingham in? I have a good friend, a colleague who is the member there, and I know he is very interested that Wingham might be a potential receiver of an improved infrastructure in that area.

**Mr. Rowan:** I think he has some reason for his expectation. If there is an incentive program, Wingham would probably be one of those communities that could be economic because of the capital assistance which the producers in Alberta would give to the Ontario distributors.

**Mr. Chairman:** I think we have had a fairly good discussion.

Items 1 and 2 agreed to.

On item 3:

**Ms. Gigantes:** Mr. Chairman, wasn't there an understanding on that item there were questions that we want to raise about the supplies of uranium when Hydro comes before us and that perhaps the minister would be prepared to answer?

**Mr. Chairman:** Is that agreeable, Mr. Minister?

**Hon. Mr. Welch:** Yes, it is.

**Ms. Gigantes:** I think the same is true of electric power.

Items 3 and 4 agreed to.

Vote 2002 agreed to.

**Ms. Gigantes:** Mr. Chairman, can I ask if you have got a schedule yet of when the sittings of the resources committee will deal with—

**Mr. Chairman:** From what I can understand now there is no hope of sitting until Wednesday, April 23.

**Mr. Mackenzie:** Are we talking about the estimates?

**Ms. Gigantes:** Could we ask the clerk just to let each of us know so we can tell our colleagues who are interested in the Energy estimates? Then they would have some grasp on their time schedule if they wanted to participate.

**Hon. Mr. Welch:** Just in case, for instance, they don't take all three days next week, we might get back to Energy next week some time.

**Mr. J. Reed:** Mr. Chairman, just before we close, could I congratulate the gentleman who made the presentation on the gas here today? It is the first time we have had the opportunity to have it in the estimates.

**Hon. Mr. Welch:** Actually, we were somewhat fearful that you wouldn't even ask questions of him.

**Mr. J. Reed:** Had I know he was there we would have started with him earlier.

**Mr. Chairman:** We will see that you are notified.

The committee adjourned at 10:32 p.m.

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No. R-4

# Legislature of Ontario Debates

## Official Report (Hansard)

**Standing Committee on Resources Development**  
Annual Report, Ministry of Natural Resources, 1978-79

**Fourth Session, 31st Parliament**

Tuesday, April 15, 1980

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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# LEGISLATURE OF ONTARIO

## STANDING COMMITTEE ON RESOURCES DEVELOPMENT

TUESDAY, APRIL 15, 1980

The committee met at 8:05 p.m. in committee room No. 1.

### ANNUAL REPORT, MINISTRY OF NATURAL RESOURCES, 1978-79 (continued)

Resuming the adjourned consideration of the annual report of the Ministry of Natural Resources for the fiscal year ending March 31, 1979.

**Mr. Chairman:** The committee will come to order. I believe I should report that the subcommittee met this afternoon and agreed to have meetings this evening, tomorrow and Thursday. Mr. Bolan was kind enough to give me a letter with some of the questions he might be putting forward. In turn, I gave a copy to the minister. I understand the minister may have some answers to some of the questions asked of him at the last meeting.

Mr. Minister, if you have a statement to make, please do so.

**Hon. Mr. Auld:** Thank you, Mr. Chairman. I would like to speak on a few matters raised at the first session last week of this committee's consideration of the 1978-79 annual report of the Ministry of Natural Resources.

**Mr. Conway:** On a point of order, Mr. Chairman: Could we have a copy of the statement, please?

**Hon. Mr. Auld:** It is my hope that my remarks will help to clarify certain points members of this committee have raised.

First, why did I or my ministry officials not advise the families of the victims of the Nakina tragedy when it became apparent to us that the original theory, that the cause was a wind shift, was incorrect and that human error could have been the basic cause? We hadn't fully developed our theory of the cause of the tragedy until the middle of October, when the board of review completed its thorough investigation and submitted its report. The definitive answer has yet to come from the inquest, which has not completed its deliberations.

Earlier in September, I had been informed that the wind-shift theory might be erroneous, but this was based on the preliminary report of Mr. Ron Kincaid, regional fire control co-ordinator at Thunder Bay, to his regional director, Mr. Al Baxter.

It may be useful to explain Mr. Kincaid's role during the immediate aftermath of the Nakina tragedy. As the chronicle of events I detailed last week indicated, Mr. Kincaid arrived at Geraldton on the evening of the terrible event in response to district manager John Walker's request for assistance from the regional office in dealing with the situation.

Mr. Kincaid set about to assist by doing such things as answering telephone calls, arranging transportation, passing on information about funeral arrangements and information about the next of kin, trying to locate the personal effects of the youngsters lost in the fire and setting up transportation arrangements for the coroner's party and other people involved in investigating or viewing the site or doing something about the prescribed burn. Other things he helped with included collecting information for the news conference held in Geraldton on Thursday August 23.

8:10 p.m.

In the course of his work, Mr. Kincaid naturally discussed the incident with members of the Geraldton district staff, and he found himself in possession of some information about what had happened. In a meeting with Mr. Baxter and Assistant Deputy Minister Lew Ringham, he mentioned the information he had collected. It was agreed he should put it together as at least a more complete picture than was available then for the reference of Messrs. Baxter and Ringham.

On Friday, August 24, on hearing that a board of review was being set up, Mr. Kincaid suggested his report would be redundant but, because it was anticipated that it would be some time before the board of review report and the inquest findings would become available, Mr. Kincaid was asked to finish his report without any more investi-



gating. It was felt by his supervisors that the information he had collected might help ministry staff to understand the event better, especially because the fire season would not be over for some weeks.

The brief report that Mr. Kincaid turned in to Mr. Baxter at the beginning of September in memorandum form was not considered comprehensive. It was used for internal reference only, but its substance was reported to the deputy minister as a possible indication of how the tragedy had happened. That is why I said the wind-shift theory may have been incorrect or that wind shift may not have been the whole story. This information was reported to me early in September by the deputy minister. His conversation to me was based on Mr. Kincaid's memorandum to the regional director, Mr. Baxter, but we were not then in a position to use that fragmentary evidence to announce anything.

The board of review report, which you have now seen, was extremely thorough as well as objective. It has been called a "no-holds-barred" report and it is. It found that human error on the part of the ministry staff was the basic cause of the tragedy. However, the inquest jury will be the final arbiter.

When the report was submitted to me in mid-October the following conditions prevailed: The regional coroner, Dr. William Wigle, who was to conduct the inquest scheduled to begin the following month, expressly asked that the report's recommendations not be made public until the end of the inquest. This was to ensure that the members of the inquest jury would begin with a clean slate in their inquiries into the cause of the seven deaths. So we took particular precautions to keep the 500 copies of the review board report under tight security for the time, but it was our intention from the outset that the report would be released either when the inquest ended or when the coroner advised me that the need for keeping the report under cover no longer existed—whichever came first.

Also, in our judgement in the ministry the last thing we wanted to do was to give any impression of attempting to influence the inquest proceedings. What was vital was that an objective proceeding be conducted in the best traditions of our judicial and legal systems. We felt that a premature release of the review board report or the public revelation of any of its contents might be interpreted as attempting to interfere and influence unduly.

Consequently, the confirmation that the original theory of a wind shift cause was

probably incorrect did not become known to the families, the public or the media until testimony to that effect was given at the inquest.

Another factor to keep in mind too was that there was an assumption, presumably shared by all sides, that the inquest would be of a few weeks' duration. We expected the facts to come out quickly and to set everyone's minds at rest.

As I have stated earlier, we presented a copy of the board of review report to the counsel for the coroner and the coroner himself within days of its completion for use in the inquest. As well, members of the board of review, headed by the chairman, Mr. George McCormack, attended the inquest faithfully ready to give testimony as required.

Mr. Chairman, it all comes down to this: If it was a mistake not to advise the parents between the middle of October and the beginning of the inquest on November 6 that the original wind-shift theory was probably incorrect and that, in our view, human error was the basic cause, then it was a mistake in judgement on our part—an honest mistake, if you will. I am extremely sorry if this delay caused any additional suffering to anyone.

I want to reply also to the charge of a lack of humanity on the ministry's part, which was thrown at us last week in this committee, towards the end of the evening. As I have said, if we made a mistake in not notifying the families of what we subsequently learned about the cause of the tragedy, the mistake was for honest reasons which seemed legitimate to us at the time and in the circumstances as then seen. But I cannot let any charge of inhumanity on our part stand unchallenged.

I had not thought it necessary previously to mention some of the specific actions ministry people took in the aftermath of the tragedy, but under the circumstances I feel it is vital that I, as the minister, come to the defence of my ministry and its dedicated, decent and responsible officials. For example, on the night of August 22, following the tragedy, three members of the Ministry of Natural Resources fire crew volunteered to camp at the site to stand guard over the bodies which remained there. Not only did senior officials of the ministry visit the families of the victims in the Geraldton and Metro Toronto areas as soon as possible, but the ministry made various arrangements to make things as easy as possible for the next of kin.

My staff in the north and in Toronto assisted with funeral arrangements where re-

quired and in one instance transported 15 young friends of one of the victims from Geraldton to Thunder Bay to attend the memorial service. We flew the group, who were fellow members of a Geraldton youth club, to Thunder Bay and drove them back to Geraldton because weather prevented the return flight.

The visit to the tragedy site on August 30 by Metro Toronto area parents, which has been mentioned in recent press reports, was initiated by the ministry. We asked the parents if they would like to visit the site, flew them north and looked after them in the Geraldton-Nakina area.

When MNR senior officials paid visits to the parents and other next of kin after the tragedy, foremost among the questions asked was the cause of the incident. It was pointed out by our officials that at that time the ministry had no totally satisfactory explanation of what had gone wrong. During these discussions with the parents, my staff stressed that the determination of the exact cause was absolutely crucial to the ministry so as to avoid repeating such a situation in the future which would put any lives at risk. It was also mentioned that for this reason the ministry was about to appoint a special board of review with outside fire behaviour experts to piece together the events of the tragedy, establish probable cause and make recommendations for the future.

The parents were also made aware, or it was confirmed with them, that an Ontario Provincial Police investigation was already under way, that the chief coroner was on the scene and it was expected he would announce an inquest, which Dr. Cotnam did on August 24. During the inquest Mr. George McCormack, the regional director for the northwestern region, who is chairman of the board of review, advised the next of kin, who indicated interest, that he would be willing to go over the entire report with them at the conclusion of the inquest if they so desired.

Finally I state, without any qualification, that at all times the Ministry of Natural Resources has attempted to get at the truth of this matter, even if it might turn out to be unpleasant for us. As I have detailed, we did everything we could think of to give comfort to the families and next of kin of the victims, as well as to assist them. To allege otherwise is unfair to the many concerned officials of my ministry and to the direction provided them by myself and the deputy minister.

3:20 p.m.

Mr. Chairman, may I do one other thing? I sent to everyone a typed copy of the chronology from which I read last Tuesday night. There are a couple of minor changes and one addition. I have new copies. Some of the events at certain times have been transposed to make this a little more coherent. If there are any questions, where there are changes, where it has either been expanded or added to, the items are all marked with asterisks. These are being distributed at the moment. I don't think there will be any questions, because some of these things came out as I read from the notes I had, but if there are questions we can come to them.

While these are being distributed, I would ask Mr. Dennis Brown, counsel, if he would comment on the requests and suggestions Mr. Bolan made in his letter to him which he gave me this afternoon.

Mr. Brown: Thank you, Mr. Minister. Mr. Bolan, I am referring to your letter to the chairman of April 15, 1980, wherein you submitted a list of items relating to the Nakina fire which the Ontario Liberal Party will present to the steering committee. I believe there are eight items over your signature, and if I may I would like to respond to them and give you our answers as best we can, or an indication of how we would be able to secure the information you requested, if we can.

The first item relates to the presence of certain officials of the ministry. I might advise you that all of those people, with the exception of Mr. Douglas Sory, who I believe is in Nova Scotia on holiday and we weren't able to contact him, having regard to the notice you provided us—

Hon. Mr. Auld: I understand they have agreed to delete that item, the second item. Is that correct, Mr. Chairman?

Mr. Chairman: Yes.

Mr. Brown: Mr. Spry is not with us but he will be with us in spirit. He is on vacation and I suppose, with longer notice, could be made available to the committee.

The second item concerns the transcript. By way of general information, I might advise you that I spoke this afternoon to the special examiner, Mr. Castonguay in Thunder Bay, and he advised me he had four completed copies of the transcript which he could make available to the committee at any time, should it wish them.

Item three is a request of the chairman. I expect it would be something you can deal with, Mr. Chairman, and that is a request for Hansard to be provided as quickly as possible.



Item four relates to policy item FC. 3.08.02, aviation and fire management centre policy, entitled "Qualification Standards for Staff on Fires," also tables nine to 11 of that policy. Might I indicate to you, Mr. Bolan, that that policy was produced at the inquest, according to the list before me, as exhibit 62, referred to before the inquest as the qualification standards for staff on fires, reference numbers FC.3.08.02.

The qualifications that were explored as a result of that policy were those of Mr. MacKay. It was followed up with two exhibits before the inquest, 68 and 69, wherein the qualification certificate of Mr. MacKay was presented. I could, if you wish, refer you to the transcript wherein some considerable discussion is undertaken by counsel in cross-examination of Mr. MacKay with respect to that policy and his own qualifications. In that regard it would appear that matter has been presented to the jury for consideration. It would be my submission to you that it could be expected they could at least be invited to make some comment with respect to the qualifications of the gentleman who was designated as the fire boss on this prescribed burn.

To provide you with it—I don't know what your considerations are in that regard—and then embark upon questions arising out of those qualification standards would seem to me to put us in the same position as the jury. This committee would be sitting in judgement on the qualifications, in particular of Mr. MacKay, which obviously are important to the consideration of the jury.

**Mr. Bolan:** Do you want to take these one at a time?

**Mr. Brown:** I think it would be easier. If you want to deal with that one—

**Mr. Bolan:** I am not particularly interested in the qualifications of each individual. I want to find out what your policy is. I want to find out what the ministry policy is with respect to qualification standards for staff on fires.

Furthermore, there is reference on page 91 of the board of review report to this central policy that prescribed the burn experience included for the purposes of the review. That is what I want to see. I want to see what the ministry policy is, if there was one. I don't think that has anything to do with the inquest. It certainly is not interfering with the inquest jury, with whatever deliberations they may make when it comes time for them to do so. It in no way infringes on the function of the inquest. What we are trying to determine is what was ministry policy with

respect to this matter. I feel we are entitled to that in this inquiry.

**Mr. Brown:** Mr. Bolan, I appreciate your comments. I took it one step further and anticipated what might arise out of the presentation. But, as far as the document itself is concerned, we don't have any problem with providing you with a copy.

**Mr. Bolan:** Fine. I would also like to see any amendments which there may be to that policy.

**Mr. Brown:** There would be no problems as far as I am concerned, but certainly we would take that into consideration. If we might then obtain five copies of the Junior Ranger programs from 1976 and each year up to and including 1979. I would ask Dr. Reynolds if he might comment with respect to the programs. I think you are familiar with them, Dr. Reynolds.

**Dr. Reynolds:** Mr. Chairman, I have copies which I would be glad to leave. There are copies for 1976, 1977, and 1978 and 1979 combined. These make reference to a number of areas explaining the program. These are the pamphlets which are sent out to parents and prospective applicants and so on. They describe, for example, in looking at the 1978 and 1979 issue, a list of work and its goals, and this describes the various activities "including fighting forest fires and related duties." These we could make available however you wish them delivered.

**Mr. Bolan:** Are these the ones which are referred to as the programs, detailed on page 96 of the board of review report? It has the Junior Ranger program; page 98 refers to the Junior Ranger district program for 1978, and it appears again on page 99.

**Mr. Brown:** Mr. McCormack is here, and maybe we could ask him.

8:30 p.m.

**Mr. McCormack:** These are not the programs, specifically the brochures, you are referring to. The program we are referring to in the report is the program in general, as we as the board of review understood it, and not the brochures that have been referred to here.

**Mr. Bolan:** One must come from the other. Does the brochure come from the program which is the subject matter of the board of review report?

**Mr. Conway:** It might be helpful if I could indicate what is in the board of review report at the bottom of page 96, under 5.3, policy and procedures. It says, "the following policies appear in the Provincial Junior Ran-



ger Manual, 1976." Dr. Reynolds, does that mean the pamphlet you held up is the document referred to?

Dr. Reynolds: No, sir, I don't think it is.

Mr. Conway: That is the document such as it is that we have requested there, whatever that is.

Dr. Reynolds: We can provide either or both.

Mr. Conway: Both.

Hon. Mr. Auld: I wonder if I could just say one thing to try to clarify it. The brochure tells of the great variety of things that are involved. I don't think any district would have all those activities in the various camps it might have. In fact, some Junior Rangers would only do one or two things during a summer; others might do a variety. To report—and I guess it is possible to do it—on what programs were done by each Junior Ranger camp would give great variety. Some people might have spent the summer establishing camp sites in provincial parks, while others might have been doing tree planting or a whole variety of things. But it is unlikely any Junior Ranger did every one of the things shown in that brochure.

Mr. Bolan: I will make it easier. Whatever program you refer to in the board of review report, that is what I would like to see for 1976 and 1977. I believe 1978 and 1979 are combined.

Mr. Brown: I think I might as well read the sixth item in order that everybody fully understands it. It says: "Obtain from the ministry an evaluation of the 1978 Junior Ranger program, particularly as it relates to the role of Junior Rangers to be allowed to observe prescribed burns in the future, with the intention of allowing some Junior Rangers the opportunity of participating directly..." I might just stop there for a moment, Mr. Bolan. With respect to the reference in the third line, "to observe prescribed burns in the future," may I take it then that the future is the following year or years thereafter?

Mr. Bolan: I suppose that depends on what the report meant when it said this. Again, this is taken from the board of review report. I am referring to page 99 where it says, "The fire control programs consisted of fire operations" et cetera. Then the third last paragraph reads: "The 1978 program evaluation by the district and Junior Ranger supervisory staff regarding prescribed burns recommend that Junior Rangers be allowed to observe prescribed burns in the future with the intention of allowing some Junior Rang-

ers the opportunity of participating directly." What I would like to see is the evaluation report of that program.

Mr. Brown: The source of those statements.

Mr. Bolan: That is right.

Mr. Brown: All right. I will ask Mr. McCormack, since he is the chairman, to respond. If I may, I will just finish it then. It says, "In particular, request from the ministry any evaluation programs for the Geraldton area."

Mr. McCormack, can you respond to the source of the information which appears on page 99 in the board's report?

Mr. McCormack: In response, Mr. Chairman, if I could substitute the word "activity" for "program," the fire control activity in the Geraldton district consisted of fire operation lectures and a one-day course. That was the local fire training given by the Geraldton district.

Mr. Van Horne: Excuse me. Are you saying this was unique to Geraldton?

Mr. McCormack: No, it was not unique to Geraldton, but it was the instructions, I think, if I remember, in the deputy minister's letter that we have in this report.

Mr. Bolan: Mr. McCormack, a certain program was prepared in 1978 which was evaluated. What I want is the evaluation of the 1978 program.

Mr. McCormack: I don't have that here.

Mr. Bolan: Well, it must be some place, because you refer to it in the board of review report.

Mr. McCormack: We will get it.

Mr. Bolan: Fine, thank you. Also, if there is a 1979 program evaluation, could that be made available as well?

Mr. McCormack: Yes.

Mr. Bolan: Fine, thank you.

Mr. Brown: On item seven, the breakdown of the fire rangers' activities for 1976 and 1979, and I would ask you again, Mr. Bolan, should we substitute "Junior Fire Rangers"?

Mr. Bolan: Yes. What I am referring to in that is on page 100 of the board of review report which refers specifically in the lengthy paragraph there: "A breakdown of activities, after the 1979 season, by person day percentages shows camp operations, nine per cent; engineering services, 20 per cent; fire control, 18 per cent..."

What I would like to have is a breakdown. For example, how many fire-control

experiences were there, particularly on the question of fire control? It was 18 per cent of the work that was done by the rangers, but how many fires did that involve? Does fire control also include prescribed burns?

**Mr. Brown:** I think so. Do you want the breakdown only for Geraldton, or are you asking that it be provided for the province?

**Mr. Bolan:** Again, Mr. Brown, if you look at page 100, what we want is the details of what is in that paragraph. What does it mean? You have figures, you have percentages and you have descriptions of things: fire control, fish and wildlife. Just what does that mean? I don't know what it means.

**Hon. Mr. Auld:** Do you mean what happened? How much was on site, how much was lecturers, how much was—

**Mr. Bolan:** I want whatever information you have on it. You must have taken a bunch of information and put it all together to come up with 20 per cent for fire control. What I want is, what information did you put together to arrive at that 20 per cent for fire control?

**Hon. Mr. Auld:** What kind of activities make up that 20 per cent?

**Mr. Bolan:** Yes, that's right.

**Hon. Mr. Auld:** In other words, what kind of fire control or what kind of fish and wildlife activities?

**Mr. Bolan:** That's right; the where and the when.

**Mr. Brown:** We can get that, Mr. Chairman.

The last item, as I understand it, is obtained from the personnel services branch of the ministry's final reports of the 1978 and 1979 Experience programs.

**Mr. Bolan:** Mr. Brown, that is appendix VI in the board of review report, item 22. Appendix VI is the Experience '79 guidelines. Item 22 says, "As final reports are due at the Youth Secretariat by October 31, regions and groups should ensure these are in to personnel services branch"—I presume that is the Ministry of Natural Resources—"by October 24 at the latest." What we are requesting are the reports relating to that.

**Dr. Reynolds:** Mr. Bolan, we have the director of the personnel services branch here tonight, but perhaps it would be more satisfactory for your purposes if we were to undertake to provide that at the first opportunity.

**Mr. Bolan:** Thank you. Those are all the points which were on there.

**Mr. Brown:** Thank you. If we have covered them all, then I think that's it, Mr. Chairman.

8:40 p.m.

**Mr. Chairman:** I believe when we adjourned Mr. Foulds had the floor.

**Hon. Mr. Auld:** I have answers to a couple of other matters that were brought up last week, Mr. Chairman.

Mr. Van Horne asked about procedures for emergencies within the government. I can perhaps sum up by reading a copy of the order in council approved by Her Honour the Lieutenant Governor, dated January 17, 1979.

"Upon the recommendations of the honourable the Premier and president of the council, the committee council advise that the emergency planning committee of cabinet established to monitor the state of emergency preparedness in Ontario and to review at intervals the state of emergency planning in the ministry of agencies of government, be continued. The committee further advise that it be effective January 1, 1979, the said committee to be comprised of the following members which will take responsibility for co-ordinating the response of the government of Ontario to, but not be limited by, the types of emergency situations described opposite thereto.

"Ministries: Energy, [responsible for] energy supply matters; Environment, [responsible for] spills of chemicals, oil or other contaminants or toxic agents, gas or oil pipeline breaks; Health, [responsible for] epidemics; Intergovernmental Affairs, [responsible for] funding and co-ordination of extraordinary provincial expenditures on emergencies; Labour, [responsible for] nuclear reactor accident with offsite effects, heavy water plant accident with offsite effects." I might say that Hydro is responsible for onsite effects in both those. "Natural Resources, [responsible for] floods or forest fires; Solicitor General, major air crash, snow emergency, other peacetime emergencies, war emergencies; and that the Attorney General and Chairman of Management Board of Cabinet also be members. The committee further advise that the Solicitor General be designated as chairman and the committee further advise that any order in council inconsistent with these recommendations be rescinded."

As far as our own responsibility is concerned, we have put out a pamphlet to all municipalities and conservation authorities, titled "Planning For Flood Emergencies."

As far as fire emergencies are concerned, I would ask Mr. Sleeman, who is here, to describe how we operate. There are written



instructions, but we have a number of agreements and they vary from place to place because of local circumstances. Mr. Sleeman, could you briefly outline the arrangements we have for fires? We are responsible for fires on crown land and forest fires, but there are situations—fires on non-crown land or in areas with municipal organization—where it is a little different.

**Mr. Sleeman:** I am Len Sleeman, director of the aviation and fire management centre at Sault Ste. Marie. With reference to the ministry in regard to fires, our role really has not changed much, because we always did assume a lead role, particularly in northern Ontario. In southern Ontario, whenever a municipality got into trouble and asked for assistance, it was always made available. I don't have the particular circular here that makes reference to it, but we could acquire it and make it available. That pretty well explains that part of it.

**Hon. Mr. Auld:** Ron, would you like that circular?

**Mr. Van Horne:** It should be made available for the committee, Mr. Minister.

If I can interrupt for a moment, I want to go back to the April 8 meeting; the question I asked, quoting from the rough draft of Hansard, was: "What is the policy of the government in so far as interministerial communication in the event of tragedy?"

I'm not trying to detract from Mr. Sleeman.

**Hon. Mr. Auld:** As I mentioned, in the case of an emergency which involves more than one ministry, the lead ministry is responsible for establishing that kind of communication. In our case, almost all the fires have involved our own ministry. It has not been necessary to get assistance from other ministries. Okay?

**Mr. Van Horne:** That's fine.

**Hon. Mr. Auld:** There was another report requested, one of the organizational chart of the ministry in relation to a member's request. We are organized on a regional and district basis. I think we have sufficient copies for all members of the committee, but I will table this one, which starts with the Minister of Natural Resources and at the tail-end gets back to district organization.

We brought one copy of the one in connection with fires in organized municipalities and concerning provincial response to forest fire emergency. When we went to copy it, the reproduction was poor. I think we will have them for everybody tomorrow. If you want a copy tonight, I have one that you

may have a little trouble reading, but it is available. There is such an animal.

**Mr. Van Horne:** If there is one tonight, we would appreciate having it if that is not going to inconvenience you.

8:50 p.m.

**Mr. Conway:** Does that exhaust the minister's answers? Are there any remaining answers that—

**Hon. Mr. Auld:** I am wrong. On the question about policy regarding boards of review, we don't have the up-to-date version. We will have that in the morning.

**Mr. Foulds:** Mr. Chairman, I have one comment on the minister's statement. As you remember, there are three major questions I wanted put to the minister before yielding the floor.

I don't think anyone doubts the goodwill with which people carry out their duties, and I want to make that perfectly clear. On the other hand I do think, and I would reiterate, that the show of genuine concern did suffer some breakdown and the communication to the families became bureaucratized. They often got information from press releases rather than directly from the ministry. Perhaps the communication could have been more direct and in that sense more human, and perhaps the continuing communication with families could have been handled somewhat more sensitively than it has.

I want to pick up on the question of liability which we were exploring the other night when the House adjourned. I would like to ask what is the ministry's interpretation of the statement of the Attorney General (Mr. McMurtry) in the House?

It is, from the layman's point of view, very carefully worded. I'm curious about why Mr. McMurtry made the statement rather than the Minister of Natural Resources (Mr. Auld). I'm also curious about exactly what that commits the minister to. The exact wording is: "It is not and never has been the intention of the ministry to challenge liability."

Perhaps I could start by a specific. For example, does that mean the minister accepts that he will be providing some assistance with legal costs?

**Hon. Mr. Auld:** Mr. Chairman, I would ask that our counsel answer that question. The Attorney General is the chief law officer of the crown and advises all ministries on all legal matters and we accept that advice. Perhaps Mr. Brown can elucidate.

**Mr. Brown:** Thank you, Mr. Minister. Mr. Foulds, I think the minister is correct. The reason the statement was made by the At-



torney General was that the relevant legislation—the Proceedings Against the Crown Act—requires that you serve notice on the Attorney General, and that was done by all the solicitors on behalf of the families.

After that point, the matter was left with the Attorney General's office to act on those notices of claim. In particular, it became my responsibility to deal with them. Subsequent to that time, although I haven't been advised by all the solicitors, certainly I have been advised by the majority of the solicitors for most of the families that writs of summons have been issued. Therein, as I understand it, they have not been served on the Ministry of the Attorney General, the Ministry of Natural Resources or Her Majesty. There is no requirement that this service be undertaken at this time, but I am led to believe that there are a number of defendants among whom are the Ministry of Natural Resources, Her Majesty and officials of the ministry. That should give you some assistance as to why the Attorney General's office is concerned, because we would act as counsel to the ministry with respect to the claims.

As to the minister's comments with respect to liability, I believe they are associated with the fact that we are acknowledging that the primary cause of the loss of life was omission—the word used at one stage in the last hearing—contributed to by a number of factors such as lack of organization. They are all set out in the report, and we have taken the position that it was the human error or the human aspect of it that contributed to the loss of life.

In that regard, I think the Attorney General is saying that, having admitted that error or human failing, we would be liable civilly. We do not propose to defend the actions on the basis of liability; that is, we would not raise the question of liability as a defence.

The only other aspect left to be determined would be the quantum. I mentioned to you that it had been suggested to me by a solicitor for one of the families that it was subject to the offer of settlement made by the government. That solicitor was prepared to pursue the question of damages through the courts relating not only to the particular damages associated with the loss of life, but also to exemplary or punitive damages on top of that. Maybe I am getting into legalese, but the best way I can assist you is to suggest that we do not propose to raise the question of our liability in defence of the action.

**Mr. Foulds:** What are exemplary damages?

**Mr. Brown:** It might be easier if I use the expression "punitive damages," which do not relate to individuals. For example, if you broke your leg, a court would award you damages, the idea being that the court tries to put you back into the same place. That cannot be done medically, but you can be compensated by moneys for the injury, your pain and suffering and your expenses. All those things are punitive damages.

Another type of damage is for the act itself, in this case the collective act of those concerned with the conduct of the burn, as punishment unrelated to someone's particular loss. You can't put a finger on it and say that was a loss of life, a broken leg or whatever. It's a collective act, an omission or failure to conduct the burn in the manner anticipated. It is not related to any one particular person's loss. It is related to the act conducted, in this case, by the defendant.

That's my understanding of what the solicitor was saying to me. "I am not only looking for compensation with respect to the loss of life, but also related to the conduct that was exhibited by the defendants"; that is, the ministry and its officials. It's not a usual head of damage, I might say. It is a much more difficult one to prove under the circumstances. I am not suggesting that it can't be; I am just suggesting that it's a more unusual aspect of a claim.

9 p.m.

**Mr. Foulds:** There is another question I want to ask; I guess the minister should answer this. The Attorney General in response to some questions in the House, has indicated he would talk to his colleagues specifically about the assistance to the families with legal costs. Have there been any further discussions, either internally or externally?

**Hon. Mr. Auld:** Not with me.

**Mr. Brown:** I believe that's correct. I can advise you that, since it was mentioned in the House, the matter has been raised within the ministry with which I am associated; that is, the Attorney General's ministry. It was mentioned, I think, some time before the Attorney General left for Israel, and I believe he was away for about 10 days and returned yesterday. It had been indicated to me prior to his leaving that we would be discussing it further upon his return. It is something which I expect I will be talking to him about this week or in the next few days, and I anticipate a decision will be made.

No decision has been made with respect to the legal fees. I take it that you are relat-

ing to the legal fees sustained by the families as a result of representation at the inquest itself.

**Mr. Foulds:** That was the question that was raised in the House a couple of times to which Mr. McMurtry responded in a positive way, at least in terms of consideration.

**Mr. Brown:** I don't believe that positive reaction has changed as far as I am aware.

**Mr. Van Horne:** If I may interject, Mr. Chairman, it was I who asked the question on March 27, and I believe the minister indicated he would have to decide whether he would present a proposal to the cabinet. I think the member for Port Arthur (Mr. Foulds) essentially is asking, has he made that decision; is he going to take something to cabinet or isn't he?

**Mr. Brown:** I haven't been advised that it will be taken to cabinet, but at the same time—

**Mr. Van Horne:** Have you been advised anything?

**Mr. Brown:** Apart from the fact that a decision has not been made and that we will make a decision, I anticipate that it will be taken to cabinet at that time. I haven't been advised of anything further.

**Mr. T. P. Reid:** Surely the minister has a position on this in view of the fact that the parents hired the lawyers in the first place because they didn't exactly know what was going on and they had been given some misinformation. The minister would feel some responsibility to suggest to his cabinet colleague that these legal fees should be assisted with. Has the minister got a position on this?

**Hon. Mr. Auld:** My recollection is that when inquiries were originally made to the ministry about this, the ministry said that to our knowledge legal fees for representation at inquests had not been paid by the government in the past. Certainly if I am involved in a discussion, I will have a comment but I am not prepared at this time to say what it is.

**Mr. T. P. Reid:** After what you have just told us, you are certainly the one who has the primary responsibility since it happened under the responsibility of your ministry.

**Hon. Mr. Auld:** I have not heard from the Attorney General as to whether that policy would remain.

**Mr. T. P. Reid:** You are not prepared to tell us tonight what your position is on it.

**Hon. Mr. Auld:** I haven't heard the Attorney General's position and the kind of advice that he will give me. I realize there

are a great many people interested in this aspect of the matter. For that reason I will withhold my comments until there is a decision made, in which I will have no doubt taken part, and I can give you the reasons for whatever it is that was decided.

**Mr. Conway:** But seven months after the Premier said that you, as Minister of Natural Resources, would "do everything possible to assist those involved in this tragic event," you have not yet determined whether this kind of assistance falls within the purview of that commitment given on August 22.

**Hon. Mr. Auld:** The government has not yet come to that conclusion.

**Mr. Van Horne:** But what about you? Have you come to a conclusion?

**Hon. Mr. Auld:** As I say, on legal matters I will take my advice from the Attorney General. We will no doubt discuss it around the table and, when we come to a decision, that decision will be announced. I am sure the members of this committee realize that this would be a significant change in policy; at least I think it would be. There have been significant changes in policy in the past, and there will be significant changes in policy in the future.

**Mr. T. P. Reid:** We are talking about a particular instance in this situation which surely is or may be different from others that happened.

**Hon. Mr. Auld:** My position, tempted as I am to say something, is that when we are talking about a government decision—which this would be, in my view; I may be wrong, but that is the impression I have—I don't speak for the government. I can speak for the government when the government has made its position known, but I can't speak on behalf of all my colleagues when it hasn't.

**Mr. T. P. Reid:** After seven months, Mr. Minister, can you at least give us a commitment that there will be a statement in the House by next week, after the cabinet meets?

**Hon. Mr. Auld:** I can't, because I can't say when the government will come to some decision. I can say I am anxious that a decision be made as soon as possible.

**Mr. Van Horne:** Are you not man enough to say to the members of your cabinet: "Damn it all, we should face up to this"? That is really what it boils down to. Come on.

**Mr. J. A. Taylor:** There is an admission of liability, is there not? At least I heard it come out. Maybe Mr. Brown could answer this, but do you or do you not anticipate costs



incurred by these families before the coroner's inquest as part and parcel of the overall settlement? I would expect that these cases would be settled, at least I understand that is their intention, if possible.

**Mr. Brown:** The first aspect, apart from this particular incident, is that as far as I am aware there is no precedent wherein a court, for instance, has awarded solicitors' costs, legal costs, on any scale, for their participation in an inquest, especially where the liability aspect has been admitted.

If we look at it with respect to this particular incident—

**Mr. Foulds:** But the liability aspects has only been admitted very recently, and the families felt compelled to have the legal advice several months ago. I think that is an important point, Mr. Brown.

**Mr. Brown:** I don't want to get into an argument with you, Mr. Foulds. I appreciate the particular and peculiar interest of each of the families with respect to an explanation. At the same time, the fact is that the coroner's inquest is a particular process wherein questions are to be answered and information given, and the whole purpose of the proceeding is to give to the public, including the families, that type of information.

In any event, let me go back. The proposition, as I understand it, will be that we are proposing to make an offer of settlement, which will be the quantum aspect. As to whether a particular figure is added on with respect to those legal costs, which have been appearing for the most part in the newspapers—the exact figures have not been indicated to me personally, as I recall—that aspect is still in doubt, the question of adding those legal costs to what would be considered our offer of settlement.

With respect, gentlemen, I don't propose to embark upon a consideration which is not mine to make; that is, whether they will be paid or some contribution will be made to them. Clearly, it is anticipated, as far as I am aware, that an offer of settlement will be made to each of the families.

**Mr. Eaton:** Did each of the families have legal counsel at the inquiries, or shared counsel?

**Mr. Brown:** One of the families, I think it was the Harkes family, had counsel for the first one or two days of the inquest, and he subsequently retired. As I understand it, he retired in the sense that he indicated to his client that he felt all the information would

come out through the inquest and he was not needed.

9:10 p.m.

**Mr. T. P. Reid:** Mr. Brown, is that information from the newspapers?

**Mr. Brown:** No. That is my understanding from a conversation I had with Mr. Knutsen, who acted for Mr. Harkes, and he still does at this point, as I understand it.

Mr. Fitzgerald of this city was in attendance for a period of time but did not have counsel. The Thompsons and the Campbells had one counsel. The Spurgeons and the Reids had one counsel.

**Mr. Eaton:** You say one counsel all the time?

**Mr. Brown:** Yes, from the beginning to the point where we stopped. The mother and grandparents of Miss Parise retained counsel who has been there full-time. So there have been three counsel representing five of the families there full-time.

There has been counsel on behalf of the ministry and counsel on behalf of the Ontario Public Service Employees Union.

**Mr. T. P. Reid:** Mr. Brown, are these lawyers going to continue when the inquests are reconvened? Have you been informed of that?

**Mr. Brown:** It is my understanding that they intend to be there for whatever length of time it takes to finish the matter. It is also my understanding that the same lawyers are the solicitors on record with respect to the actions that have been commenced. Mr. Fitzgerald now has counsel in this city acting on behalf of his interests with respect to recovery of damages.

**Mr. Cunningham:** Don't you find it a little unusual that private citizens should have to spend up to \$30,000 per family to find out the truth in an inquest?

**Mr. Brown:** If you are inquiring about the figure, the unusual aspect relates to the length of time we have been there. It is a considerable length of time.

As I recall, the longest inquest in this province up to date has been about 60 days, and I think it was in connection with the hospital in Sudbury. We have been there 44 or 45 days, and obviously there is more to be done. So the length of time obviously gives rise to the size of the costs.

**Mr. Cunningham:** The point of my question, sir, did not relate to the schedule of tariff for the lawyers, but to the fact that private citizens should be required to hire lawyers in the first place.



**Mr. Chairman:** Mr. Foulds.

**Mr. Foulds:** I have no further questions on the liability question, but I have—

**Mr. Chairman:** I am going to hear them in sequence and in order.

**Mr. Foulds:** Mr. Chairman, I want to continue then.

**Mr. J. A. Taylor:** On the same point, I have a supplementary question. If the inquest is not over, the amount of the legal costs for each of the parties has not yet been determined. Would that be a fair statement?

**Mr. Brown:** I suggest that the figure to date has been determined, or at least a rough figure.

**Mr. J. A. Taylor:** Has there been any request of the ministry, formally or informally, from the families or their solicitors, for reimbursement for those costs?

**Mr. Brown:** They are looking to the ministry for compensation with respect to the legal costs.

**Mr. Wildman:** Mr. Chairman, a supplementary: I don't think this question can be answered by Mr. Brown. It has to be answered by the minister and his cabinet colleagues. It has been suggested to us that it would be unprecedented for this type of action to be taken; that is, compensation for legal fees at an inquest, I don't need to point out to the minister that in making his decision he should refer to the fact that he has pointed out to us, and thank God he is correct, that the incident is unprecedented. Certainly the costs involved are unprecedented. So perhaps it is time for the cabinet to consider an unprecedented compensation.

**Hon. Mr. Auld:** Don't misunderstand me. I wish I could think of a better phrase. I have every sympathy with the families. You would expect that, and it would be no surprise.

**Mr. Foulds:** I want to ask the minister about the board of review report. I think a number of us in the Legislature find the most difficult question in terms of ministry responsibility around this whole incident to be the way you apparently handled the reception of the internal board of review report.

Didn't you feel it was your ministerial duty to review the report when you received it; to take a look at its findings and recommendations, not merely in terms of the specific incident, which I think is important enough, but also in terms of government policy for the coming year? Did you really lock it in your safe for almost four months?

**Hon. Mr. Auld:** I had it locked in a drawer in the desk for part of that time. I had to get a new safe because I had been given a new telephone number for emergencies that was supposed to be kept not in a super-secret but in a very safe place. Then I transferred the report there.

**Mr. Foulds:** As a minister, you had your ministry do an internal report. It is a pretty good report. There are one or two questions I have about it in principle, but the details are pretty thorough; they are pretty good. Don't you interpret your responsibility as being to find out what the recommendations are within your ministry to people whom you now find yourself defending?

**Hon. Mr. Auld:** As I said in my statement tonight and as I have said previously, I expected that within a couple of weeks the inquest would have been completed. I don't know, I'm not an expert on an inquest's length of time, but in many cases with tragedies in which large numbers of people were victims, this has been the case. It seemed to me that it would be better, as I said, not to be aware so that I might not inadvertently say something which indicated the tenor of the report while the inquest was going on.

It was not a problem at that time, as I foresaw it. We would handle recommendations and we would be able to study them and fit them into action in lots of time for the fire season which starts on April 1 on average. I may say we have had one fire so far in the north-central region. As to the role of young people, Junior Rangers and students in the Experience program, we could deal with that aspect too. As I have said a couple of times, it was not until it became apparent that the inquest was going to last a long time, longer than we would have to take any action, that we decided we had to prepare for this year. It was at that time I got the report out and read it. As I said, that was the third weekend in January.

**Mr. Foulds:** What I find peculiar is that you, the minister, had not read the report. What was going on in that time, between October when the report was given to you and the time in January when you hauled it out and read it, was that personnel within the ministry were reading it, were evaluating it and were acting on it because they had to. It was only at the point where the work within the civil service came up to a point of making recommendations for the coming year.

If you can trust your officials, which you do—

**Hon. Mr. Auld:** I certainly do.

Mr. Foulds: —certainly you can trust yourself.

Hon. Mr. Auld: I know myself better than I know my officials.

9:20 p.m.

Mr. Foulds: Surely if you as a minister were to make a determination you would be interested in the direction in which the recommendations were going.

Hon. Mr. Auld: May I just say for the record, inasmuch as the tone of voice doesn't get in Hansard, that I said that in a lighter vein.

Mr. Foulds: Yes, I think that was recognized. There is an inconsistency there, because what finally happens is you consider the policy matters and the particular matters in this report only when you are forced to. In a matter of this seriousness I would think there might be the opportunity for some initiative or leadership from the minister.

Hon. Mr. Auld: I think it's fair to say, certainly from the press reports I read up to the inquest, which was being very carefully followed by my staff in the ministry, that things came up there which indicated changes were necessary.

Mr. Conway: Just to clear the air, do we have any record indicating that anyone in the ministry had been dealing with that report between October and January? I don't know of any, but there may be some I'm not aware of.

Hon. Mr. Auld: I think Mr. McCormack can indicate who had access to the report. It was a small group of people.

Mr. Conway: Was it being read?

Dr. Reynolds: Perhaps I might answer Mr. Conway's question. The report was delivered to me on October 12, I think. The members of the committee obviously had seen it; they signed it. As the minister's statement said, there were 500 copies printed which I hope will indicate that we had anticipated it would, in whatever "due course" meant, get wide distribution. But although I delivered one to the minister and one to Mr. Ringham, I think almost no others received it at that time. It seemed best to try to subscribe to the coroner's request which the minister has made reference to.

Mr. Conway: So all but one or two literally did get looked in a vault?

Dr. Reynolds: Yes, they really did.

Mr. Conway: So there was nobody officially reading or handling it?

Dr. Reynolds: No, there was not.

Mr. Foulds: Did Mr. Ringham and Dr. Reynolds read the report?

Dr. Reynolds: I read it several times in great detail. My own copy of it is well marked. I'm sure Mr. Ringham's was too.

Mr. Ringham: Yes, I read the report.

Mr. Foulds: So what you are telling us is that aside from these two top ministry officials reading the report, we had an interregnum and it was not until mid-January when someone in the ministry said: "We have to figure out what our policy is going to be for this coming summer; so we had better get to work on it." Then you pulled it out of the vault and a working group got to work on it.

Dr. Reynolds: Mr. Foulds, I'm sure you know it really wasn't like that.

Mr. Foulds: What was it like? That's what I want to find out.

Dr. Reynolds: We kept a very close eye on the inquest. Indeed, Mr. Baxter used to phone me most evenings and tell me what had transpired at each day's hearings. I was chiefly in touch with him, but to some degree with others such as Mr. Ringham and Mr. Brown. So we were keeping in touch.

As the minister said, we really didn't think the inquest would go on for anything like as long as it did. As the season went on, we became concerned. If it continued to stretch out, we would come up against a situation with a new fire season upon us and without, you might say, any amendments to the policy which we felt were appropriate. So at some time in January we felt we did need to amend the update in the light of the report itself, the housekeeping we would have done anyway, and what we were hearing from the inquest. So, at that point, two or three additional copies were made available to people like Mr. Sleeman and his staff, who then developed, with us, the amendments to be made.

Mr. Conway: Did the minister know in November or December that his deputy had been reading this highly sensitive document, not once but several times?

Hon. Mr. Auld: Did I know—

Mr. Conway: It was the minister who said he wouldn't trust himself with the information, lest he inadvertently made something public. Did he know that while he was being monastic about the information the deputy had received and read, not once but several times, that same document?

Hon. Mr. Auld: I knew he had read it. I didn't know how many times he had read it.

**Mr. Conway:** Did you instruct him not to read it, though?

**Hon. Mr. Auld:** No. Nobody asks him questions in the House, that I am aware of.

**Mr. Conway:** You're telling me how Jim Auld has survived for 26 years.

**Mr. Van Horne:** Did the deputy also not say that you had shared this with two or three others?

**Dr. Reynolds:** Would you repeat that for me?

**Mr. Van Horne:** I thought you said you had shared this with others.

**Dr. Reynolds:** Only with Mr. Ringham; and copies went to the crown attorney—

**Mr. Van Horne:** Was Leon Nicol one of those?

**Dr. Reynolds:** —to the counsel for the coroner and to Mr. Ringham—

**Mr. Van Horne:** What about the Ontario Provincial Police? How many copies did they have?

**Dr. Reynolds:** I don't think they had one at all.

**Mr. Van Horne:** In your discussions of October 15, which is quoted in last week's Hansard, and I'm quoting: "On October 15 in Thunder Bay there was a meeting between Mr. Ringham; Janet Minor, counsel for Natural Resources; Mr. Leon Nicol, crown attorney, and the OPP in connection with the inquest . . ." This is in direct reference to the report. It was discussed but they did not have a copy. Is that what you're saying?

**Dr. Reynolds:** They did not, but Mr. Ringham was at that meeting; perhaps he might clarify that.

**Mr. Ringham:** The meeting was called by Dr. Wigle and was basically to determine which members of the ministry staff would be required at the inquest. We were asked to have certain personnel there to save the OPP going through the procedure of subpoenaing them.

They listed the types of personnel they thought would be helpful in the inquest and we nominated people. That was the purpose of the meeting.

**Mr. Van Horne:** Again, did the OPP get a copy of that?

**Mr. Ringham:** No, the OPP didn't get a copy of the board of review report, to my knowledge.

**Mr. Van Horne:** You discussed it with them?

**Mr. Ringham:** It wasn't exchanged at that meeting at all.

**Mr. Van Horne:** I didn't ask about it being exchanged; I asked about it being discussed. Was it discussed?

**Mr. Ringham:** Miss Minor was at the meeting. I don't recall personally if the report was discussed.

**Miss Minor:** I believe we made Mr. Nicol aware that the report was completed. But it was not discussed at the meeting, other than—to repeat—to tell him it was completed. We made the copy available to Mr. Nicol and the coroner afterwards.

**Mr. McCormack:** Mr. Chairman, if I might help in that, I met with Inspector Corbett, who was in charge of the investigation, and showed him the report for the first time last week. That was the first time he saw our report.

**Mr. Foulds:** I have a question in terms of the policy that was developed and announced by the minister in the House on March 14 with regard to implementing certain interim recommendations of the report for the fire season. How was that policy arrived at? Was it discussed after the minister read the report?

9:30 p.m.

**Hon. Mr. Auld:** Mr. Chairman, my recollection is that we had some discussion, the deputy and I, and there may have been speculation as to the length of time the inquest was going to continue. Looking towards the fire season for this year, we came to the conclusion that we should implement recommendations from the report whether the inquest was completed or not. We had a dilemma, as I said in the House. But we came to the conclusion that, based on the results of the report, which may not necessarily be the same results as the inquest produces, we had a duty to implement changes. As a result, those who put it together, as the deputy said, were instructed to revise the manual. I can't tell you the date they started on it. Perhaps Dr. Reynolds can.

**Dr. Reynolds:** I don't remember. I would think it might be a couple of weeks before March 14. Perhaps Mr. Sleeman has more specific information.

The sequence was that with the minister's approval I directed Mr. Sleeman to undertake that, and he was provided with a copy of the report for that purpose. Do you remember approximately what date that was?

**Mr. Sleeman:** I have been trying to remember the specific date Mr. Ringham gave me his copy with the instructions to implement the 21 recommendations which were in the



report into our policies and procedures. I don't recall the exact date.

One thing I would like to point out is that we did have a committee working on it, and the only thing the committee saw was the recommendations themselves. They never saw the report. All we did was take out the recommendations, and they were the things we worked with.

**Mr. Conway:** Can you guess the date?

**Mr. Sleeman:** What was the date the inquiry was brought to an end?

**Hon. Mr. Auld:** February 2 or February 12?

**Mr. Sleeman:** Somewhere around that time.

**Mr. Bolan:** I have a supplementary question to the minister. On the question of the new policy you have for prescribed burns, did you have a written policy for prescribed burns before?

**Hon. Mr. Auld:** Yes.

**Mr. Bolan:** Was this in the form of a pamphlet, or did you have a manual?

**Dr. Reynolds:** That was one of the items we undertook to table as soon as we can get a copy.

**Mr. Bolan:** It is a manual, is it not?

**Dr. Reynolds:** In our terms it's a policy circular.

**Mr. Bolan:** Is it distributed to all the districts?

**Dr. Reynolds:** Yes.

**Mr. Bolan:** Does it have different applications in different districts, or is it of a standard type?

**Dr. Reynolds:** There is a standard policy which each district manager or his fire crew interprets according to the local conditions.

**Mr. Bolan:** What do you mean by "interprets"?

**Dr. Reynolds:** For example, the way you would apply it in black spruce would not necessarily be the same as in a pine forest. Each district manager adapts it to the particular burning conditions, the forest conditions and so on of each district.

**Mr. Bolan:** The new manual of procedure which you filed with the House, Mr. Minister, is called a prototype. That means for the first time. Was there in fact a manual for procedure for prescribed burns?

**Mr. Sleeman:** What we are talking about has three parts to it. There is a policy circular. Associated with the policy circular is a procedure circular which lists the steps that have to be taken. Associated with that is the manual. There was no manual as such prior to this year.

There was a prescribed burn seminar held in 1976, at which a sort of an outline for a manual was prepared.

**Mr. Conway:** Why would there not have been a manual, since you were not only involved for some considerable years in the prescribed burn mechanism, but by all accounts you were also stepping it up?

**Mr. Sleeman:** The results of the seminar that was held in 1976 were almost the same as a manual, but there was nothing mandatory about it. It was available as guidance, if you wish; it was set out as a guide.

**Mr. Conway:** My impression of the Ministry of Natural Resources is that it is a ministry in which there are manuals for just about everything conceivable. This is a very serious procedure in which you were becoming more and more involved, and yet you indicate that, prior to this incident, a seminar in 1976 was for all intents and purposes considered a sufficient surrogate. Was it a matter of policy that there would be no manual? Was it a matter of oversight that there was no manual? In the absence of a manual and the seminar, what did people use?

**Mr. Sleeman:** As I said, they used the information that came out of the prescribed burn seminar. It wasn't a mandatory manual, if you wish, but by and large what had—

**Mr. Foulds:** Are you referring to the post PB-3 Geraldton days? In the document filed with the crown attorney there is a 17-page memorandum, I think it is, that outlines the procedure. Is that what you are referring to? That was before the manual was developed, and it talks about the briefing plan, it outlines the application for prescribed burns and it discusses everything from pre-burn operations to post-burn operations.

**Mr. Sleeman:** I suspect that is the procedure that existed prior to this year.

**Mr. Foulds:** I see.

**Mr. Sleeman:** That has been done over.

**Mr. Foulds:** Maybe I should ask Mr. McCormack. Did that serve within the ministry as the prototype manual?

**Mr. McCormack:** You are referring to the crown brief, and I haven't seen the crown brief. But, looking backwards at the pages, I have a feeling that is from the seminar, but I am not sure, and that was used as the guide to operations after 1976.

**Mr. Wildman:** Was this circulated after the seminar?

**Mr. McCormack:** Yes. In our Fire Course 1 manual burning procedures were also outlined.

**Mr. Foulds:** This was only for people who actually took the course.

**Mr. McCormack:** There was no formal prescribed burn manual outline.

**Mr. Wildman:** Just this memorandum?

**Mr. McCormack:** Which is part of the seminar report.

**Mr. Conway:** Mr. Eaton asked me to ask—and I just want to be sure—that I was to be clear on that. There was a seminar in 1976 from which issued forth a memorandum?

**Mr. McCormack:** A report.

**Mr. Conway:** A report, which was used—

**Mr. McCormack:** Which went to field offices.

**Mr. Conway:** —as a manual, or—

**Mr. McCormack:** As a guide for prescribed burn operations.

**Mr. Conway:** Have you got that?

**Mr. Bolan:** But it didn't have to be followed.

**Mr. Conway:** We had that in those—

**Mr. McCormack:** It was not mandatory as the new manual is.

**Mr. Bolan:** Right. So you did not have a policy. What you had was a set of guidelines which did not have to be followed. The gentleman just said that about five minutes ago, and so did you.

**Mr. Sleeman:** There were certain things in it that were used as a guide. As far as the policy was concerned, it was pretty straightforward and had to be followed. The procedure had to be followed, but associated with the policy and procedure that we have introduced this year is a manual. As I said before, prior to this year the manual existed only as a guide.

**Mr. Wildman:** With respect, you are confusing me. Was there a policy circulated prior to this year?

**Mr. Sleeman:** Yes.

**Mr. Wildman:** There was?

**Mr. Sleeman:** A policy and a procedure.

**Mr. Wildman:** Did that include this guide, or was this an addendum to it?

**Mr. Sleeman:** Okay. I see where we are getting.

**Mr. Eaton:** All the material amended at the seminar was available in written form, was it, in printed form?

9:40 p.m.

**Mr. Sleeman:** The policy and procedures that we are referring to over here were in effect prior to 1976. They were in effect for

some considerable time. I don't know the dates. Have you the dates on that, the date of the policy and procedure that you have there?

**Mr. Eaton:** But the training and information that was given at this seminar, was it printed and available?

**Mr. Sleeman:** Yes.

**Mr. Foulds:** I would like to get a clarification from some senior official of the ministry. What is the difference between a guideline, a policy and a manual? I think this is one of the things that has been confusing us. Are those grades of importance?

**Dr. Reynolds:** Mr. Foulds, a policy is a relatively simple statement of what the overall objectives of the government or the ministry should be in this case. It might be with respect to provincial parks, or fish and wildlife, or any number of things. We would have specific policy statements.

If I understand what you are getting at, we are having difficulties in this committee with different interpretations of words. In our usage, policy is used in terms of an overall—I keep wanting to say "policy." It is what the ministry says our policy will be to use fire to improve the regeneration of an area.

**Mr. Conway:** A statement of objective.

**Dr. Reynolds:** A statement of objective, if you like. To carry that out there might only be guidelines indicating to the field office the general directions that they should follow; or there might be, as there now is, a specific manual of instructions of what to do, what not to do, what sequence and training, that sort of thing.

**Mr. Bolan:** Why did it take you so long to get that manual? That is what I would like to know. Did it take seven lives to get that manual?

**Dr. Reynolds:** A prescribed burning is a relatively new procedure.

**Mr. Bolan:** You have been doing this for 15 to 20 years, and it was on the increase.

**Dr. Reynolds:** Not on a very large scale. The idea of setting fire intentionally to the bush is a relatively new and revolutionary idea. Many of our staff have been slow to accept it. We have had to learn how to do it. With our intensive forest management program and with the necessity of increasing regeneration, of encouraging better growth, of replacing trees and such like we have, in the past three or four years especially, got into this in a big way, if you like.

**Mr. Bolan:** You certainly got into it in a big way in the past seven months.

**Dr. Reynolds:** Yes, indeed.

**Mr. Bolan:** What I would like to know is, why did it take you this long? Why did it take you from 1976, when you started having these seminars, until today to come up with that manual of procedure, called a prototype? I take it before then you had nothing more than letters which were being circulated to the various field offices. It was this tragedy that brought about this prototype manual of procedure.

**Dr. Reynolds:** With respect, that isn't entirely so.

**Mr. Bolan:** Were you working on one before August 22, 1979?

**Dr. Reynolds:** Yes, we were.

**Mr. Bolan:** How far advanced were you?

**Dr. Reynolds:** Mr. Sleeman is much closer to the mechanics of it. He could be more specific on that than I can.

**Mr. Sleeman:** It was from after the seminar we had in 1976 that a manual was to be prepared. A number of things interfere with one's best intentions. We were moved from Toronto to Sault Ste. Marie, and there was a bit of a hiatus. It interfered with and set different priorities on the work we had to do.

It always was our intention to prepare a mandatory type of manual, but other things interfered with getting it done.

**Mr. Eaton:** Mr. Chairman, could they table for us the written policy that was in effect in 1976, the written procedure that was in effect in 1976 and the written information that came out of the seminar in 1976? Is that possible?

**Mr. Foulds:** It might also be useful for members of the committee—I think it's the 1954 policy that was updated in 1972, which is what I have been referring to—if that were included. It was circulated separately for members of the committee.

**Hon. Mr. Auld:** I think you should remember one thing. Prescribed burns are a form of fire. The ministry has been fighting forest fires since it was started. There are a number of similarities, I would assume—

**Mr. Conway:** And there are significant differences.

**Hon. Mr. Auld:** —and significant differences. This manual, as I as a layman understand it, which has put together in one place a number of things, some of which were mandatory and some not, relates to one kind of fire: a prescribed burn. But there are many similarities in dealing with it as there are in what we call forest fires which are caused by lightning, tourists or whatever.

**Mr. Bolan:** Could you tell me if your circular before this manual came out contained the following paragraph? The paragraph I am going to read is taken from the Prescribed Burning Manual:

"Untrained staff may be used in the support organization as assistants providing that they are adequately briefed, they receive close on-the-job supervision and training and providing that they are not permitted to enter the burn perimeter or any other unsafe area."

Was that or a similar clause in the circular which was in effect and which was part of the prescribed burn before August 22, 1979?

**Mr. Sleeman:** Will you give me a minute to check?

**Mr. Bolan:** Sure.

**Mr. Wildman:** Mr. Chairman, while he is checking it out, I would also like to know what the "adequate training" referred to in that clause entails. Would that entail one-day instruction?

**Mr. Conway:** While we are on the subject, I believe there is only one copy of the glossy document called Prescribed Burning Manual. Can we have in some form, perhaps a little less glossy but equally complete, similar copies for the committee?

**Hon. Mr. Auld:** Mr. Foulds has one like this without the cover.

**Mr. Conway:** I would certainly like to see more copies made available.

**Hon. Mr. Auld:** You can have them in the morning.

**Mr. Conway:** Fine. Thanks. I would appreciate that.

One of the things I want—and this might make it a little easier for you, since you now have this Prescribed Burning Manual—is to make sure we get whatever documents existed prior to the issuance of this manual which would bear in any way upon the issues dealt with in here.

We now have this manual, and what I want to be sure we get is all material that relates to what is dealt with in here any other manual in whatever form—that existed prior to the issuance of this document. I think that has been asked for.

**Mr. Eaton:** That basically would be the direction that came out of the seminar.

**Hon. Mr. Auld:** Mr. Chairman, I want to make it clear that, in terms of the jargon and nomenclature, this is the first manual. I think what you want, Sean, are the policy statements, the guidelines, the various other documents, the results of the seminar which now are superseded by that one document.



Mr. Conway: I am sorry. I will have to have you repeat that.

Hon. Mr. Auld: The first document on prescribed burns is called a manual.

Mr. Conway: I realize that.

Hon. Mr. Auld: There are other documents relating to prescribed burns which are called various other things.

Mr. Conway: Right.

Hon. Mr. Auld: All that now is together in the manual. What you want are the things that superseded.

Mr. Conway: That's right.

Dr. Reynolds: That will take some days, of course, Mr. Conway, to pull together. It will take a little longer; that's all.

Mr. Conway: Obviously we would like it as quickly as possible.

9:50 p.m.

Mr. Sleeman: Do you have a copy of that? I'm not sure what you are making reference to here.

Mr. Bolan: I am making reference to the Prescribed Burning Manual, issued March 14, 1980, the chapter on prescribed burn plans, the section on qualification standards, page two of two pages, at the bottom, the last paragraph.

Mr. Van Horne: With respect, Mr. Chairman, prior to the various other comments I was going to submit to the deputy that he suggested that prescribed burns were being proceeded with very cautiously. If that is the case, one would have to wonder if there were not definitive statements in these intermediary statements, whatever they were, as definitive as we see here on March 14, 1980. If they weren't as definitive as that, how definitive were they? What other statements were made prior to that?

Dr. Reynolds: Those, I submit, will be apparent to you when we draw together the information asked for by Mr. Conway and Mr. Bolan. Without that, I can't be specific. I don't have the documents in front of me, but we will have those and I hope they will answer your questions.

Mr. Brown: I wonder if I can make a suggestion. Mr. Bolan was asking, with respect to that clause in the new manual, whether it appeared anywhere else prior to that time. If we provide you with the information, then we can provide you at the same time with an answer. Obviously, if it's not in what we provide you, it didn't exist at any previous time. Mr. Sleeman is going to spend some time getting together all that information for you in any event.

Mr. Bolan: The gentleman is here. He's going through his documents. We still have some 40 minutes left.

Mr. Conway: It's a central question.

Mr. Chairman: We will come back to that. Mr. Foulds, continue. This gentleman is looking through his papers.

Mr. Foulds: I would like to get back to the internal board of review report which, when we left the discussion, had been circulated to very few people within the ministry. In January, when it was apparent that the inquest would drag on some more time, it was opened up a bit to people within the ministry so that discussion took place with regard to the statement the minister made with regard to the coming year. Obviously the Geraldton district would be concerned about the findings of the board and would be anxious to receive some messages about the internal ministry report. Were any copies sent to the Geraldton district?

Dr. Reynolds: Mr. Chairman, I tried to recall from memory a few minutes ago those to whom copies of the report had been given. Mr. McCormack reminded me that one other copy was distributed which I had forgotten to mention. I am glad to have this opportunity to set the record straight. A copy was provided—not immediately, but a few days after I received them—to the district manager at Geraldton, Mr. Walker.

Mr. Foulds: Do you know if people on his staff had access to the report and could read it?

Dr. Reynolds: I would think not, but I might suggest Mr. Walker could tell you that.

Mr. Foulds: Could we have that information?

Mr. Conway: Are we going to get an answer?

Mr. Chairman: Yes, in a minute. Mr. Walker, will you state your name, please?

Mr. Walker: John Walker. In fact, in the chronological handout you will note that I and two of the staff members involved in the incident reviewed the draft of the report of Mr. McCormack and his committee. Following the release of the report, I requested a copy of that report for my use. I did allow those same two people, plus one other person who did not have a chance to review it, to look at it. As well I allowed the fire control supervisor for the district, who was away at the time of the incident, to review the report.

Mr. Foulds: You use the term "when the report was released." Do you mean when the minister released it?

**Mr. Walker:** I'm sorry. I meant when the report was released by Mr. McCormack, or delivered by Mr. McCormack to Dr. Reynolds.

**Mr. Foulds:** October 12.

**Mr. Walker:** Shortly after that, I requested and received a copy of the report.

**Mr. Foulds:** There were four or five people in your district who were connected with the incident and whom you allowed access to the report.

**Mr. Walker:** Yes, I allowed them to read it in the office.

**Mr. Wildman:** Had they read that prior to or at the time they were appearing before the inquest?

**Mr. Walker:** It was prior to.

**Mr. Wildman:** Prior to appearing before the inquest, had local district officials read the internal report?

**Mr. Walker:** Yes.

**Mr. Foulds:** Would that mean the report would play some part in their testimony at the inquest?

**Mr. Walker:** I don't believe so, because the two principal staff members involved at the site had read the draft and generally agreed with it.

**Mr. Eaton:** Did they have input preparing it?

**Mr. Walker:** No, they had no input preparing it. They had read it primarily to indicate whether, to the best of their recollection, there were any gross errors or omissions.

**Mr. Wildman:** Were they aware the internal report indicated the wind-shift theory was incorrect prior to appearing before the inquest?

**Mr. Walker:** Yes, they were.

**Mr. Foulds:** I have a couple of questions on the manual itself or on the report itself.

**Mr. Bolan:** Mr. Seelman is ready to give us some answers, after he has been briefed by Mr. Ringham.

**Mr. Sleeman:** The answer to your question is yes, that is part of the new manual.

**Mr. Bolan:** Was there a previous regulation with respect to untrained staff on prescribed burns?

**Mr. Sleeman:** The question you asked was whether this is the new manual that will be in effect this year. That is the question I am answering.

**Mr. Bolan:** We know it is in there. What I am asking is, what information do you have in those documents which indicate there

were some regulations that existed before August 22, 1979? What were the previous regulations with respect to untrained staff?

**Mr. Sleeman:** I would have to check that out.

**Mr. Bolan:** I thought you had that right there.

**Mr. Sleeman:** No. What I am looking at here is the new manual.

**Mr. Conway:** Does the deputy not know, in the absence of Mr. Sleeman not knowing? Surely somebody knows.

**Mr. Foulds:** Does the chairman of the board of review know?

**Mr. Conway:** Are we being asked to believe that no one in the ministry knew whether there were regulations relative to the use of untrained staff on prescribed burns prior to August 22, 1979? Surely not.

**Mr. McCormack:** Mr. Chairman, with apologies, I am getting a little confused. I would like to suggest we check into it so that we can give you the proper answer in the shortest time. I can't really remember now.

10 p.m.

**Mr. Conway:** I don't want to put Mr. McCormack on the spot? Surely the deputy would have some knowledge of rules or guidelines as they related to the use of untrained personnel on prescribed burns?

**Dr. Reynolds:** I don't have that in my mind, Mr. Conway. I can't give you a reliable answer.

**Mr. Wildman:** Mr. Chairman, in relation to the supplementary I asked, I am also concerned and would like to know if there were any guidelines, other than the one phrase about training inexperienced staff? What does that mean? Does that mean one day of training? Is that adequate?

**Mr. Bolan:** I want to get this on the record. I understand, Mr. Minister, there is nobody from the Ministry of Natural Resources here this evening who can tell me whether there were regulations before August 22, 1979, with respect to untrained staff on prescribed burns. Is my understanding correct that nobody here can answer that question?

**Hon. Mr. Auld:** Mr. Chairman, I think the answer is that there is nobody here who can point out exactly what existed, but we undertake to have that tomorrow, I expect, to show where that kind of matter is covered, if in fact it is, in previous documents.

As I said before, my understanding is that the manual has put together a great many

things in definitive form which previously existed in different form. There are new things there.

**Mr. Conway:** Mr. Minister, I can understand that. But I want you to understand our position. Here we are told in the new Prescribed Burning Manual that no untrained staff are to be permitted to enter the burn perimeter or any other unsafe area. That is a blank, bald assertion of a very understandable position.

What I want to know is, and surely we don't have to go and research this, can no one from the ministry tell me whether a statement of that directness, relative to untrained staff, was in place prior to August '72? Can nobody here tell me whether that did exist?

**Hon. Mr. Auld:** I wouldn't speculate, but what we have undertaken to do is to indicate what kind of words were in what documents that would be in that direction, that kind of instruction. I think it is fair to say the staff is anxious to be correct and doesn't want to say, "We think it is in this document and we think it went like that." We will provide you with what there is in writing and in practice.

**Mr. Conway:** Can I ask you or your deputy what you believed the policy to have been, in the absence of this lack of detailed knowledge? What does the deputy or the minister believe the policy to have been prior to the new manual?

**Mr. Bolan:** What did you understand the policy to be?

**Hon. Mr. Auld:** My understanding is there has always been a degree of training in firefighting and fire suppression.

**Mr. Conway:** Did you ever think there was a possibility of Junior Rangers being involved in the actual prescribed burning

process? Did the deputy believe that, with all his experience?

**Mr. Foulds:** That's part of the Junior Ranger policy.

**Mr. Conway:** No, not prescribed burns.

**Mr. Bolan:** Fire control, yes, but not prescribed burning.

**Mr. Conway:** Did the deputy believe it was possible for Junior Rangers, 17 years of age, to be involved in the actual prescribed burning process? Did he think that was a possibility or a reality?

**Dr. Reynolds:** Mr. Conway, I would prefer to answer that more definitely tomorrow, or as soon as we can get the information, and not speculate.

**Mr. Van Horne:** The thought must have crossed your mind, though, when you heard of the tragedy, "What is our policy?" Did you say to yourself, "Gosh, we really don't have one"?

**Dr. Reynolds:** I didn't say that to myself, no.

**Mr. Conway:** I must say, Mr. Chairman that I, for one, would be prepared to adjourn until we get some kind of direction on something as basic as that. I find it difficult to continue a discussion or dialogue when so central a thesis is—

**Mr. Foulds:** I move we adjourn, Mr. Chairman.

**Mr. Chairman:** We are going to adjourn about half an hour early. Shall we proceed half an hour longer tomorrow? Are we all agreed?

**Mr. Bolan:** If they have answers.

**Mr. Chairman:** Naturally, you will know that when the evidence comes out.

The committee adjourned at 10:06 p.m.



### SPEAKERS IN THIS ISSUE

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Auld, Hon. J. A. C.; Minister of Natural Resources (Leeds PC)  
Conway, S. (Renfrew North L)  
Cunningham, E. (Wentworth North L)  
Eaton, R. G. (Middlesex PC)  
Foulds, J. F. (Port Arthur NDP)  
Reid, T. P. (Rainy River L)  
Taylor, J. A. (Prince Edward-Lennox PC)  
Van Horne, R. (London North L)  
Villeneuve, O. F.; Chairman (Stormont-Dundas-Glengarry PC)  
Wildman, B. (Algoma NDP)

**From the Ministry of Natural Resources:**

Brown, D. W., Counsel  
McCormack, G. A., Regional Director, Northwestern Region  
Minor, Miss J., Counsel  
Reynolds, Dr. J. K., Deputy Minister  
Ringham, L., Assistant Deputy Minister of Northern Ontario  
Sleeman, W. L., Director, Aviation and Fire Management Centre  
Walker, J. D., District Manager, Geraldton District









No. R-5

# Legislature of Ontario Debates

## Official Report (Hansard)

**Standing Committee on Resources Development**

Annual Report, Ministry of Natural Resources, 1978-79

**Fourth Session, 31st Parliament**

Wednesday, April 16, 1980

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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# LEGISLATURE OF ONTARIO

## STANDING COMMITTEE ON RESOURCES DEVELOPMENT

WEDNESDAY, APRIL 16, 1980

The committee met at 10:12 p.m. in committee room No. 2.

### ANNUAL REPORT, MINISTRY OF NATURAL RESOURCES, 1978-79

(continued)

Resuming the adjourned consideration of the annual report of the Ministry of Natural Resources for the fiscal year ending March 31, 1979.

**Mr. Chairman:** I see a quorum. I understand from the minister some correspondence in relation to some of the material requested last night is on the way. I understand it will be here shortly. Mr. Bolan, you were last speaker and will be first this morning.

**Mr. Bolan:** Mr. Chairman, I want to ask a question of the minister. I take it the information we requested last night is not available yet but it is on its way. Is that right?

**Hon. Mr. Auld:** It will be here any minute. When you see it, you will realize. We didn't blow a fuse on the copying machine but we came close.

**Mr. Chairman:** I would like to table nine documents which I will list. We do not have sufficient copies of two of them for everybody. We have in Toronto four copies of the new Prescribed Burning Manual. Inasmuch as the NDP and the Liberals each have one, we thought we would give you each another and give the Conservative members the other two so that everybody is in—

**Mr. Bolan:** We don't have one. The one we have is the one from the House. However, if you will give us another one, that will do.

**Hon. Mr. Auld:** We will have further copies when we can get them, probably late today or tomorrow morning, as we get them from Sault Ste. Marie. We have copies of the portion of the Junior Ranger manual—which is about three or four inches thick and covers everything from recreation and what clothes to bring, to activities—which deals with fire-fighting. We have copied that section and have copies for everyone.

**Mr. Bolan:** Could we get one copy of the whole thing?

**Hon. Mr. Auld:** Let me give you the list.

**Mr. Foulds:** We wanted a point of clarification. Does the part of the Junior Ranger manual of which you have copies for everybody apply to forest firefighting and not specifically to prescribed burns? You apply the policy by analogy from—

**Hon. Mr. Auld:** I believe there is some reference to this in the report. Let me go the way we have tried to organize it for everybody's knowledge and convenience.

**Mr. Bolan:** Just a minute, I would like to have a copy of the entire manual.

**Hon. Mr. Auld:** Of which manual?

**Mr. Bolan:** The Junior Ranger manual.

**Hon. Mr. Auld:** We can get you one but we don't have enough here and we couldn't copy the whole thing overnight.

**Mr. Bolan:** Okay, but you will get me a complete copy of the manual?

**Hon. Mr. Auld:** Yes. In fact, if the two other party representatives would like one we will get one manual for each. I think one should be sufficient. If another one is needed we can get it. They are not private documents. Every district office has them.

First the prescribed burning policy FC.3.07.01 dated March 1972; second, the prescribed burning procedures FC.3.07.01; Third, the qualifications for staff—

**Mr. Bolan:** Sorry, the last document you mentioned is April 12, 1972?

**Hon. Mr. Auld:** I think so. Just a second, I will get the date.

**Mr. Bolan:** FC.3.07.01?

**Mr. W. Newman:** March 17.

**Mr. Bolan:** That is the first one, Mr. Newman.

**Hon. Mr. Auld:** The second one, FC.3.07.01 is dated April 12, 1972.

**Mr. Bolan:** Right.

10.20 a.m.

**Hon. Mr. Auld:** The third one I mentioned, qualifications for staff, FC.3.08.02, is dated December 18, 1977.



The one that is being distributed at present is policy directive AF.03.23.01 dated February 1980. Next to be distributed is procedure directive AF.3.23.02, dated February 1980.

The next one should be the new Prescribed Burning Manual. We have dug up another four.

If we were to provide the Conservative members with three, the Liberal and NDP members with two, and the committee with one, that would seem to be a reasonable distribution. We will get further copies for each of the members as soon as they get here from Sault Ste. Marie.

The next one is qualification standards AF.03.42.01, dated December 18, 1977. It will be along shortly. Number eight is the Junior Ranger report for the Geraldton district, 1978-79. That is what was asked for.

There are those two items, items eight and nine, and finally, I believe it was the member for London North (Mr. Van Horne) who was anxious to have the policy concerning provincial response to forest fire emergency. That is policy document FC.3.07.01, revised as of March 31, 1980.

You will notice that some of these documents are original and some of them are revised. You will see in the upper right-hand corner the number indicating whether it is a policy or a procedure—in other words, what kind of a document it is, and the date and our file number or core number, whatever it is.

With the committee's permission, I would ask that Mr. Ringham speak on the first of those papers, prescribed burning policy, prescribed burning procedures, qualification standards for staff and then the fire seminar, which was mentioned, in 1976. As it happens, Mr. John Walker at that time was in that branch and was one of those responsible for organizing and conducting that seminar. I think it would be helpful if he were to describe what took place in that seminar since he has first-hand knowledge of it.

We only have here one copy of the papers that were produced at that seminar and were distributed to those who took it. We will have further copies made for those who wish them. Perhaps one per caucus might be sufficient, and one for the committee. It is a fairly bulky document. If that is agreeable, we will have them as soon as we can produce them.

Mr. Bolan: That is agreeable, as long as we don't have to continue without that document.

Hon. Mr. Auld: I don't know how quickly we can get it. I don't want to delay proceedings. I know the committee is anxious to proceed as rapidly as possible, but I think we should proceed with due regard for the difficulties of getting information in short order. I am anxious that we provide the committee with everything we can, but some things take longer than others. I don't want people speculating on what was in some document. I would rather see everybody with the documents so that we will all be correct.

10:30 a.m.

There are two other documents being distributed at present. I mentioned that we had distributed the Junior Ranger report for the Geraldton district for 1978 and 1979. There are now being distributed copies of the Experience '78 program proposal form and the Experience '79 proposal form for the Geraldton district. Everybody should have 11 documents and some should have 12. The Prescribed Burning Manual is the new one.

Mr. Foulds: Excuse me, Mr. Ringham. I think Mr. Bolan has a line of questioning he wants to follow up. I hope all of these documents weren't distributed to each of the district offices at the same time, because it would be apparent why some of the procedures perhaps weren't followed—they weren't able to read all the stuff as it came across.

There are two other documents that may have some relevance for our deliberation that I became aware of only last night. One is the memorandum on provincial fire teams, which is policy FC.3.03.02. The copy I have is dated May 19, 1978. That has to do with the objective, team makeup and so on of the provincial fire teams.

There is also a document of which the subject is reporting injuries, fatalities and property damage. I am not sure of the number because I have a copy where something has been scratched out, but it is originally dated December 21, 1970. It is marked as new on that date and is a three-page document. I can't even read the scratched-out date, I am afraid.

Hon. Mr. Auld: If you give us the name, I will endeavour to find out the number.

Mr. Foulds: I may even have an extra copy that I could give you.

Mr. Brown: It is on reporting injuries, fatalities and property damage and is dated December 21, 1970?

Mr. Foulds: It is new in the box. I will see if I have an extra copy, so you can identify

it. The other stuff that I had, you have. That is the only point I wanted to make. I think that material should be available to the committee.

**Hon. Mr. Auld:** We will investigate and see how soon we can produce it.

**Mr. Bolan:** On that question of reporting injuries and what have you, I understand that where there is a personal injury or a fatality a detailed written report must be submitted to the operations branch. What I would like to inquire about is whether or not there was a written report which was submitted to the operations branch, aside from any other board of review report or any other report that may have been prepared.

**Mr. Foulds:** That's the one that should have been submitted by the district manager.

**Hon. Mr. Auld:** We will find out about that.

**Mr. Foulds:** You might have appointed Mr. Kincaid to do that work initially.

**Hon. Mr. Auld:** We will find out.

**Mr. Bolan:** What we want is the actual report.

**Mr. Brown:** Is there any formal identification of it that you are aware of, apart from what you told me?

**Mr. Bolan:** I'm reading from the policy directive issued by the ministry with respect to fatalities, under the section on accident control. One of the requirements is that a detailed written report must be submitted to operations branch and copies sent to the branch and regional director concerned and to our branch.

**Mr. Brown:** Is the identification of what you're reading from in the corner?

**Mr. Bolan:** It's from the report on injuries, fatalities and property damage.

**Mr. Foulds:** It's on that note. I suggest it should be made available.

**Hon. Mr. Auld:** Shall we proceed?

**Mr. Bolan:** Before we proceed, I wonder if I might ask a question of the minister or of anybody else. You have given us a number of documents. Dealing with the first document you gave us, the subject is prescribed burning. It is policy FC.3.07.01, dated March 17, 1972, which defines prescribed burning and sets out how it is to be done. Was policy directive FC.3.07.01 replaced, altered or amended by any other policy directive between March 17, 1972, and the new Prescribed Burning Manual which you now have?

**Hon. Mr. Auld:** Mr. Chairman, the purpose of suggesting that Mr. Ringham and Mr. Walker might go through this is to answer as best we can general questions relating to the chronology of what has transpired in terms of changing and developing procedures for prescribed burns relating to part of the fire control system. Perhaps the honourable members could wait until we have heard from these two gentlemen. I think a number of questions will be answered and perhaps some other questions suggested.

**Mr. Bolan:** My question is a very simple one and the answer is yes or no. Has that policy directive of March 17, 1972, been replaced with another policy directive?

**Hon. Mr. Auld:** Mr. Ringham?

**Mr. Ringham:** No.

**Mr. Bolan:** Fine. Now he can proceed with whatever he has to say. Where was the one that got replaced, if the policy directive—

**Hon. Mr. Auld:** I think we will get to that—

**Mr. Ringham:** Mr. Chairman, if I could go through this list of circulars I think it will shed some light on the confusion that was caused last night.

**Mr. Bolan:** We did not cause the confusion last night.

**Hon. Mr. Auld:** That's why we are proceeding at a more measured pace today.

**Mr. Bolan:** I also want it understood that we've been given a mass of documents here and we don't have time to digest them all between now and one o'clock. I certainly intend to return and ask questions later on—

**Hon. Mr. Auld:** I know in the extra half hour you couldn't either.

**Mr. Bolan:** Just as long as we understand the ground rules.

10:40 a.m.

**Mr. Ringham:** Mr. Chairman, gentlemen, following the discussions last night, I'm going to attempt to bring down the parallel policies and procedures and whatever we had in place prior to August 1979 and what has taken place since then to date.

The first document is policy circular FC.3.07.01, issued March 17, 1972. That was in place prior to the incident. Accompanying the policy circular there was a prescribed burning procedures circular, FC.3.-



07.01. Both these documents required mandatory compliance by the staff.

Let me repeat that. The first one we're dealing with which was issued prior to the accident is prescribed burning policy circular, FC.3.07.01. That was issued on March 17, 1972. The next one that accompanies that, and which Mr. Sleeman was referring to last night, is the prescribed burning procedures circular. That number is FC.3.07.01. Both these were mandatory documents as far as compliance by the staff.

**Mr. Foulds:** That is the nine-page document dated April 12, 1972?

**Mr. Ringham:** That's dated April 12, 1972.

**Mr. Foulds:** They both have the same file number. That's why it's a little bit confusing, so we can stack those two together.

**Mr. Ringham:** The third thing is the qualification standards for staff on fires, policy circular FC.3.08.02.

**Mr. Bolan:** What's the date on that?

**Mr. Ringham:** The date on that was November 18, 1977.

**Mr. Bolan:** Does it deal specifically with prescribed burns?

**Mr. Ringham:** The qualification standards for staff on fires document is a policy circular. The qualifications applied to wildfires were considered to be equivalent to what we required on prescribed burns. What was in there for wildfires dealt with any kind of fire. The only difference between a wildfire and a prescribed burn is one is caused by nature and the other is started by man under controlled conditions.

**Mr. Bolan:** We'll get into that later. I disagree with that definition.

**Mr. Ringham:** The fourth thing, which we haven't been able to table but which we will get into, is the prescribed burning seminar book, 1976. This document represents a collection of technical information, based on this ministry's experience, and the experience of such agencies as the British Columbia Forest Service and the United States Forest Service in dealing with prescribed burns.

This information was issued to serve as a technical guideline to our staff in conducting prescribed burns. It was not incorporated at the time into a directive, a circular.

**Mr. Walker,** as the minister has mentioned, was connected with the seminar at the time and had a lot to do with this being put together and distributed. He can speak to the details of what is in it.

It was our intention at the time that eventually this information would go into a manual for prescribed burns. Although various kinds of prescribed burning had been taking place for some years, it is only in the last few years in Ontario that it has been stepped up because of the demands of silviculture.

**Mr. Eaton:** Was that material made available to each area that was going to have prescribed burns?

**Mr. Ringham:** As far as I know, sir, it was made available to every district and regional office—

**Mr. Walker:** That was a participant at the seminar.

**Mr. Ringham:** —that was a participant at the seminar. I assume some of the southern districts were not participants because they wouldn't be having prescribed burns.

**Mr. Eaton:** But they wouldn't be having prescribed burns either.

**Mr. Bolan:** Was there one in Geraldton in August of 1979?

**Mr. Ringham:** That brings us up to the time of the incident and the documents that were in place.

Since 1979, the following directives are now in effect on prescribed burning. There is the policy directive AF.03.23.01 that was issued February 22, 1980. There is a procedure directive that accompanies that, which is AF.03.23.02, issued on the same date, February 22, 1980.

The third thing in connection with and parallel to what I said was in place prior to 1979 is the Prescribed Burning Manual and that is tied in directly to the policy circular. If you read policy circular AF.03.-23.01 you will see in there it states under considerations:

"Prescribed burning shall be undertaken according to the specifications of this Prescribed Burning Manual. The manual will set standards and procedures for the proper planning and conduct of a prescribed burn.

"The standards and procedures will be based on"—and it goes on, outlining the considerations—" (a) good management practice, (b) comprehensive consideration of safety factors, (c) an acceptable and reasonable cost/benefit relationship, (d) comprehensive consideration of environmental impacts, and (e) comprehensive consideration of the risk, costs and other implications associated with an escaped fire.

"The Ontario public shall be kept informed of the ministry's prescribed burning



program in terms of the purposes, benefits and risks."

In answering to the specific question that was posed last evening relative to untrained staff on prescribed burns, prior to 1980 it was not written down that untrained people could not be used within the burn perimeter, but in policy directive FC—

**Mr. Bolan:** Could you get that to me again, please?

**Mr. Ringham:** Prior to 1980 it was not written down that untrained people could not be used within the burn perimeter, but in policy directive FC.3.07.01, item eight, it states: "Prescribed burning shall be planned, supervised and carried out by qualified staff."

**Mr. Bolan:** So it is written down.

**Mr. Ringham:** It was written down to that extent.

**Mr. Bolan:** Yes, it's written down to the extent—

**Mr. Ringham:** But—

**Mr. Bolan:** Just a minute. You made the statement two minutes ago that it was not written down, but it is written down to the extent that "prescribed burning shall be planned, supervised and carried out by qualified staff." You say it was not written down that untrained people could not be used on prescribed burns, but that's the back door out, isn't it?

**Mr. Ringham:** Not really, sir.

**Mr. Bolan:** The document is clear. The policy directive of March 17, 1972 is very clear and explicit. It hasn't been changed until now—since the tragedy. It specifically says that it is to be carried out by qualified staff.

10.50 a.m.

**Mr. Wildman:** Mr. Chairman, it might be useful to try to determine what the minister considers to be "qualified." I notice in your FC.3.08.02, qualification standards for staff on fires—I think I have the right number—you say: "All staff who may be expected to perform fire service or suppression duties will be inventoried by district and region annually. This will provide a provincial roster which will enable district managers to assess their staff annually and to ascertain who requires what training, what exposure the individual had during the past year and where an individual should be assigned for the coming season in order to 'round out' an individual's career."

I would think this refers to regular staff. Does it also refer to contract employees?

**Mr. Ringham:** It would also refer to continuous casual staff besides permanent or regular fire staff.

**Mr. Wildman:** Continuous casual, that's another issue. All right.

**Mr. Foulds:** Except later on in that same directive I believe there is a section that has to do with extra firefighters. Wouldn't that be more directly applicable to people that you pull in, like Junior Rangers or Experience '79 students? It says, "Extra firefighters are employed on a short-term basis to fill a role in the suppression or service organization."

**Mr. Bolan:** Isn't that with respect to fire control and not prescribed burns?

**Mr. Wildman:** But unfortunately he has already told us that prescribed burns and fire control were considered by the ministry to require equivalent qualifications. Am I correct?

**Mr. Foulds:** Or at least parallel qualifications.

**Mr. Ringham:** Our prescribed burns, when they are approved, are reported on our daily fire reports. It's important to us. It's unfortunate that generally the ideal weather for prescribed burns, the kind of weather you want in order to get certain types or degree of burn to remove slash, are just the ideal conditions for wildfires. It so happens that our fire load due to wildfires is so great that we can't carry out our prescribed burns.

**Mr. Wildman:** I wanted to follow this up with this question: In section (c) on the first page—

**Mr. Ringham:** I'm sorry, Mr. Wildman, which section?

**Mr. Wildman:** The qualification standards for staff on fires. It says, "Branch director to assess weaknesses and strong points in the overall provincial staffing situation and to take the necessary steps to provide courses and/or assistance where required." Then on page three, where you talk about unit crewmen qualifications, you go on, "Must successfully meet the requirements of the district crewmen training course."

Can you tell me where, if anywhere, does a Junior Ranger fit into that?

**Mr. Ringham:** Each region has a fire training officer. There are courses put on at the regional level. These people also assist the districts in putting on training courses. What consists of the training provided unit crewmen—I'm sure Mr. Walker can get into the details of that—that is done at the district

level and it is generally in line with what the region has set for crewmen training.

**Mr. Wildman:** Perhaps before he answers that you could refer also to your report of the Junior Ranger program dated 1978, Geraldton district. I would wonder if the 1979 program was similar, where it appears to me—let's see what page; the pages aren't numbered—it states, under the heading of Lectures:

"(d) Ten JRs received a one-day course on radio operations and equipment control. In the event of a large fire there would be additional manpower with basic training available to assist in support operations"—a one-day course.

Then under (k) it says there was a fire lecture where two gentlemen "outlined fire setup from Toronto main office to district fire centre. They then described with the aid of slides what occurs once a fire has been spotted to the time it is extinguished. JRs were taken on a tour of the base." That was 1978. In 1979, was there equivalent training—or should I say lack of training—for JRs?

**Mr. Walker:** There was more training, other than as described in 1978. Early in July, we were in a fairly serious fire situation in the province. We were short of crews and manpower. We had formed some of the Junior Rangers, if not all, into auxiliary fire crews headed up by regular unit crew members. We had given them about two or three days' training in the use of fire equipment. At least three of those auxiliary crews with Junior Rangers on them had been dispatched to and taken action on wildfires.

**Mr. Wildman:** So there was a two-day formal training period?

**Mr. Walker:** A two-day formal training period.

**Mr. Wildman:** Can you tell me what are the requirements of the district crewmen training course?

**Mr. Walker:** The district crewman training course comes in a manual about three or four inches thick. It outlines in some considerable detail the training that a person obtains who is about to become a regular unit crew person for the summer. The training consists of about three or four days initially in the season on what his duties and responsibilities might be and on some of the equipment and these sorts of things that might be used.

The training then consists of on-the-job training.

Obviously, we don't have the luxury of taking two or three weeks in the season to train people. It's a very short time span between

when staff comes on line and when we are into a fire situation. We give two or three or four days of initial training based on a pre-packaged training manual. Then throughout the year and on the job as opportunities permit, various items are covered.

**Mr. Wildman:** After three or four days training, is a unit crewman then qualified to be within the fire perimeter, as far as you are concerned?

**Mr. Walker:** Yes, sir.

**Mr. Wildman:** But after the two-day program would you have considered that a JR would be adequately prepared to be within the perimeter?

**Mr. Walker:** Are we talking about a wild-fire or prescribed fire?

**Mr. Wildman:** You told us earlier that the qualifications were similar for both. I am not trying to be harsh on this but I am asking, after two days in either case, or in both, would you consider a 17-year-old Junior Ranger to be adequately prepared to be within the fire perimeter? Prior to August 1979, would you have thought that?

**Mr. Walker:** Given proper supervision and depending on the nature of the fire, be it a small half-acre fire which wasn't of very much consequence and was primarily a mop-up sort of operation, with proper supervision I believe the Junior Rangers could take part in that sort of operation.

**Mr. Wildman:** Are they included in your directive that only qualified people can be within the fire perimeter?

**Mr. Ringham:** In the new directive?

**Mr. Wildman:** No, in the previous one, prior to August 1979, did that phrase and that term include Junior Rangers?

**Mr. Ringham:** In reply to that question, there are certain types of fires where I am sure the members are aware that under the Forest Fires Prevention Act we have the authority to recruit people between 18 and 60 in non-essential jobs for fighting wildfires.

11 a.m.

There are some wildfires or some prescribed burns where it would not be posing too great a risk, provided there was proper supervision in place, to put untrained or less than fully-trained staff in certain service jobs adjacent to the perimeter, or during the duration of the fire. As Mr. Walker has mentioned, at the mop-up stage there is really no risk—and the same applies on a large fire.

**Mr. Wildman:** Do you distinguish between small and large fires as to who is qualified?



**Mr. Ringham:** What I am trying to point out is that on a large fire there may be—I can best give you an example from personal experience. When I was a young graduate working for the ministry I was sent with a crew down Lake of the Woods with an untrained staff of four people. I had a boatman who knew the lake and who could use a fire pump.

That fire was 1,000 square feet on a half-acre island. I don't think that exposed us to any undue risk, and, in retrospect, if the thing had got away from us it wasn't going to do that much material damage. Also, we were in safe conditions, as all you had to do was run for the nearest shoreline.

In that kind of wildfire I don't think you are exposing semi-trained—if you want to use that term—or people who are not trained up to a unit crew standard, to risk.

**Mr. Wildman:** What does that stipulation mean that we have read out, that only qualified staff could be used within the fire perimeter?

**Mr. Ringham:** I think if we had our druthers, and we had all kinds of funds and staff, we would like to use fully-trained staff because fully-trained staff are more efficient and effective.

**Mr. Bolan:** Mr. Ringham, in the light of what you said, are you saying that you disagree with the new manual with respect to untrained staff?

**Mr. Ringham:** No.

**Mr. Bolan:** You don't? Would you agree then that there should not be anybody there unless he is a qualified crew man, or unless he is a qualified member of the staff?

**Mr. Ringham:** I think I said, sir, that if I had my druthers I would prefer to have fully-trained staff at all times.

**Mr. Wildman:** You also said if they were properly supervised—you said that a number of times—if they were properly supervised. Can you define "properly supervised"?

**Mr. Ringham:** I would say it is someone who would fill the qualifications as spelled out there, who has had the experience and the training.

**Mr. Bolan:** Are you saying that you used these people who went through this tragedy because you didn't have qualified staff?

**Mr. Ringham:** No, sir, I am not saying that.

**Mr. Bolan:** Then why did you use them?

**Hon. Mr. Auld:** Mr. Chairman, I would like to ask our counsel whether we are now

getting into the field that the inquest is dealing with.

**Mr. Brown:** I was looking back at the answer. I may have some problem understanding—it may be my fault—what the terms of reference were, but I thought originally we were dealing with the conduct of the minister and his officials subsequent to the afternoon of August 22, and I will say subsequent to 12:30 on that afternoon.

It is my impression, having regard to the questions that are being asked, that here is the policy you had in place prior to the tragedy and you now have a different policy. The questions asked relate to, or indirectly relate to, the reasons for the change and the adequacy of the policy that was in place prior to the inquest. The procedures.

With the greatest respect, gentlemen, the policies, the procedures, the responsibilities, the attitudes, the qualifications, all matters which relate to the conduct of the ministry and officials of the Ministry of Natural Resources, have come before the jury. As I understand it, it has been the position of counsel for the families that the jury should not, nor should the inquest, be seen to be limited to who, why, when, where and by what means. It should be a full inquiry which allows them to canvass the investigation of the OPP, the fire marshal and those matters which relate to any conduct of ministry officials or the ministry itself.

With respect, if I can ask a rhetorical question, isn't that really what you are driving at? You are seeking to conduct, as it were, a comparison here based on policy in place or which is now in place, in order to demonstrate, if you will, that it wasn't adequate or that it wouldn't do the job, or that the people who were in charge of applying it or carrying it out didn't do the job. I say that with the greatest respect.

If there is some other purpose then I have made a mistake, but those are the parameters of the jury as far as I am concerned, as has been expressed by counsel to parties other than the ministry. They have suggested they can embark upon any inquiry they wish is related to the question of, in effect, fire.

If you had the opportunity to read the transcript you would find that we have gone over a number of matters. Those arguments have been raised before the coroner, and he has not ruled, as I understand it, the type of investigation by way of counsel and cross-examination was to be limited.



Mr. Bolan: I would like to respond to what Mr. Brown just said. We requested some information which has been provided to us this morning. It is rather detailed information. Mr. Ringham is now explaining this policy to us, or trying to explain the policy with respect to qualified staff.

As far as I am concerned the ministry has opened the door. The ministry is saying: "This is our policy. This was our policy in place at the time. We have a Prescribed Burning Manual which has been set up since then." Mr. Ringham is trying to explain what "qualified personnel" is, and I can't see anything wrong with any member on this committee asking him questions on what training these individuals received and whether the ministry people thought this training was sufficient. I can't see anything wrong with that whatever.

Mr. Brown: With respect, Mr. Bolan, the problem is that, in fact, the document speaks for itself. We presented a document, here it is. If you want more of them, we have more of them. We can give you everything we have.

Mr. Bolan: Are you saying we can't ask questions on these documents?

Mr. Brown: I have asked you, with respect, where you see the questions ending off before it invades the area which the inquest has adopted, that is, with respect to the interpretations that you are asking. Mr. Wildman is getting into the area of, "Do you believe that a Junior Ranger would be qualified after that time?" That is a question which comes up to the jury. They are going to have to make a determination, as I see it, of whether that policy is adequate and if you relied upon that policy you were running at risk because it wasn't adequate and you have to change it. That will start the recommendations going.

If you take it to that point, with respect, I think you have got into an area where you are asking us to comment upon our interpretation in the light of the evidence which has gone before the jury, which we have already done. With respect, my position would be we will stand behind what we said at the inquest. Why should it be any different?

Mr. Wildman: Mr. Chairman, in response to Mr. Brown, I think I understand what he is saying, but with respect, I don't think documents do speak for themselves in the sense that the term "qualification" is used. All I was attempting to do was to gain a definition, the ministry's definition, of "qualification." Does it mean four days' training and then on-the-job training? Does it mean

two days' lectures and then on-the-job training? That's what I was asking. I wasn't asking, as was asked, why particular individuals were used on a particular prescribed burn. I wanted to know what the term "qualification" meant.

Mr. Walker: Perhaps I might put the 1977 qualifications policy in perspective as to why, as I recall, it was originally proposed.

11:10 a.m.

As you may recall, beginning about 1974 and continuing through till 1977, we had severe fire seasons back to back, and we got involved throughout those fire seasons in transporting large numbers of people from all parts of the province to assist, primarily in the northwest.

It became fairly evident that we did not have even a starting point from which to describe various positions or requirements that people might have to fill at that time. We needed a policy setting out some ideal base qualifications for fire people, so that when a person in Sioux Lookout asked for a fire boss or sector boss then the person responding to that request would have a guideline as to whether the person he was sending might fill the bill for that function. That is the background of the development of that policy as I recall it.

Mr. Foulds: I wanted to ask a question of clarification of Mr. Brown with regard to the coroner's inquest. To a certain extent we have to display a fair amount of trust and faith in your judgement, Mr. Brown. You said that none of us in this committee had sat day in and day out at that inquest. You said that the counsel representing some of the deceased argued that it was not confined to who, where, when, how and what. They wanted to get into the area of policy and, therefore, discussions ensued reminiscent of the ones we are getting into.

I would like to know whether the ministry, as represented by you, acquiesced in that, supported that or opposed it at the inquest, whether the coroner has given a clear ruling on the matter, or whether things evolved at the inquest because the coroner did not rule out certain kinds of questioning?

Mr. Brown: My best answer would be all those things occurred, but I think—

Mr. Foulds: Do you mean you opposed, acquiesced and agreed?

Mr. Brown: Somewhere along the way I gave my interpretation of section 25 of the Coroners Act to the coroner. I suggested to him that once the jury had answered the five

questions they should retire to make their recommendations. The position taken by other counsel in opposition to that was, "No, you are wrong. When they answer the five questions they can then, if they wish, embark upon other matters."

I will read the section if it assists you: "The jury may make recommendations directed to the avoidance of death in similar circumstances or respecting any other matter arising out of the inquest."

The other side of the coin was "Mr. Brown, you are wrong. 'Any other matter arising out of the inquest' means anything that contributed to or could be seen to contribute to the incident; that is, lack of policy, policy that wasn't followed, any of the other human factors that entered into it."

I don't want to give you an answer which may not be supported in the transcript, but one of the problems was that I was not sure we ever got a clear ruling on that question. Other than with respect to the length of the examination which was undertaken by the police officers and the purpose behind that, about which there was a clear statement by the coroner at some point along the way—to Mr. Dubinsky as I recall—that he should stop asking that type of question, we did not get a clear answer. It was my impression that he did not give effect to the argument I had put to him.

**Mr. Foulds:** Was that the questioning of Corbett or Shaw?

**Mr. Brown:** I think it was probably Detective Corbett, more so than Shaw.

**Mr. Bolan:** Correct me if I am wrong, but my information is that at the inquest one of the counsel repeatedly tried to get into the question of policy and he was not allowed to by the coroner. If that is the case, where does that leave us? If the coroner won't let them get at policy then surely we are entitled to get at policy? You can't have it both ways.

**Mr. Brown:** I can only tell you there may have been—We have a transcript; I haven't counted the pages, but it is in the thousands certainly, and without exaggerating, the book is that high—there may have been some reaction, but certainly policy statements are exhibits to the inquest.

As far as I recall, one in particular, the one setting out the responsibilities of the district manager and the regional director et cetera, was gone through by all counsel. So in some limited way, Mr. Bolan, that may be correct, but I don't think, as an overall approach, the coroner took that line. I would

be glad to make the transcript available so you can look at it.

**Mr. Foulds:** We may find it useful as an official part of our record.

**Mr. Bolan:** I will ask a question of Mr. Ringham. Your policy set out back in 1972 is that prescribed burnings should be planned, supervised and carried out by qualified staff, okay?

On page 21, paragraph two: "Cameron also made arrangements for manpower assistance in the form of forest management staff and Junior Rangers." There is a qualification there between staff and Junior Rangers.

"At this time Cameron received assurance that people would be made available but he did not know exactly how many or, in the case of the forest management staff, whether they would be classified or contract." Isn't it apparent from there that staff does not include Junior Rangers? And reading into it further, Experience '79 people as well? They are specifically excluded from the category of staff.

**Mr. Brown:** With respect, you are analysing the report and the report refers to evidence given to the board by Mr. Cameron. Is it fair to say that Mr. Cameron might have been in error in his understanding, or the board may have been in error, or in fact by taking that paragraph out of the whole report that would be as reliable as the policy that is in place?

**Mr. Bolan:** Are you now saying that it is possible the report is in error?

**Mr. Brown:** I am not saying anything—

**Mr. Bolan:** Don't we have enough errors floating around here now?

**Mr. Brown:** The example that you are—

**Mr. Bolan:** Are there any other errors? Can we get on the table what the errors are?

**Mr. Brown:** The example that you are using, with respect, Mr. Bolan, is evidence which was given to the boards of review and I am saying to you, with respect, that the evidence that is there is before the inquest. To use it, to take it out of context, as it were, in the light of the fact that it is Cameron who is alleged to have said that. I don't think it is fair to place that type of question to the witnesses simply because it is evidence that comes out of the mouth of that gentleman.

**Mr. Bolan:** It is not evidence, Mr. Brown, it is given by the board as a statement of fact. This is a report of the board. This is not just Cameron's statement; it is a finding by the board that this is what took place. That was the purpose of the board.



**Mr. Brown:** I agree with you. Was it our purpose then to embark upon an analysis of the board's report in the light of the fact that we already have a proceeding in position that is supposed to carry out the same function?

**Mr. Bolan:** I say there are certain areas of the board's report that we can get into and this is one area. I say there are other areas of the report we can get into, such as, for example, the programs of the Junior Rangers and the programs of Experience '79. There are areas we can get into.

11:20 a.m.

**Mr. Brown:** I appreciate that. I just think what is going to happen, and what is happening, is that my interpretation will be different from yours. I can't claim to have read the whole transcript, but it is clear that what we are going to come down to in some cases is whether it was discussed or was not discussed, or whether it was evidence, or whatever.

I am not too sure that if you are not prepared—and I don't suggest that you have to accept my interpretation of what was undertaken at the inquest—that we don't do someone a disservice by embarking upon those questions without first having read the transcript and advising ourselves as to really what took place, so we have a full understanding of how the inquest has gone and what it has developed.

That is my concern. I appreciate your position and I don't for a moment suggest that if I was in your chair I might not be doing the same thing. What I run into is if rule 19(d)7 of the standing orders means anything, and it was placed in there, and if prejudice means anything, then clearly it seems to me to wander into that area wherein we talk about the evidence or related evidence, as it were, of individuals, regardless of whether it comes out of the board's report, is treading in the jurisdiction of the coroner and the coroner's inquest.

One of the considerations for holding back the report was that type of consideration, and it seems to me it still holds true, although it is on the table now.

**Mr. Wildman:** Mr. Chairman, just a point of clarification: Has Mr. Ringham completed his explanation of these documents?

**Mr. Ringham:** I think we got up to the point of talking about this prescribed burning seminar, 1976, and Mr. Walker was going to give some detail on what this consists of, because we haven't got copies to distribute.

**Mr. Wildman:** Perhaps it might be useful if he completed that and then you can go ahead with your questioning, Mr. Bolan. It might avoid the problem that was just raised by Mr. Brown. I have a question specifically following up on the questions that Mr. Bolan and I were asking, dealing with this document, qualification standards for staff on fires, about extra firefighters. It states, "Their main role should be limited to doing jobs requiring a minimum of skills or training, thereby freeing other ministry staff for duties which require trained personnel."

My question is: In terms of extra firefighters, wouldn't that relate to people such as Junior Rangers and Experience '79 or Experience '80 students? If it does, doesn't that pretty well proscribe their use within the perimeter of the fire, so their job should simply be limited to support services and better-trained staff can carry out the fighting of the fire?

**Mr. Ringham:** As far as extra firefighters go, as you are aware, they are hired on a short-term basis. In some instances, and I speak now of some of the native people we have used for many years, we have put on courses in the communities for them. They would technically fall under the category of extra firefighters, but by experience and the courses we have put on—some of them have taken part in several courses—they would, in my opinion, be almost equivalent to a full-time resources technician 3 or an RT2.

**Mr. Wildman:** I agree with you on that. You have a so-called casual staff that you hire year after year, and that is another issue, but my question is, does that stipulation there apply to Junior Rangers and Experience '79 or Experience '80 students?

**Mr. Ringham:** With regard to Junior Rangers and how they may be used in regard to fires, it is tabled in here.

**Mr. Di Santo:** The board of review report, on pages 100 and 101, says the training consisted of a one-day auxiliary unit crewman's training. Since you are saying that the prescribed burning and fire control qualifications were similar, would you say that the Junior Rangers were qualified with one-day training?

**Mr. Brown:** Maybe I could just put some clarification on it: the Junior Rangers you refer to or any Junior Ranger?

**Mr. Di Santo:** On page 101, they say that the training they received was a one-day auxiliary unit crewman's training.

**Hon. Mr. Auld:** You are speaking of the Junior Rangers who were on the burn?



Mr. Di Santo: Yes.

Mr. Wildman: We can avoid getting into that problem if we simply talk in general terms. The question is, are Junior Rangers generally limited to support staff, to support duties of minimum skill rather than fighting a fire? That's the question I asked and, with respect, I don't think it was answered.

Basically, Mr. Ringham, you told me that ongoing casual staff you hire every year come under extra firefighters, but my question is, are Junior Rangers and Experience students limited to support duties or can they be used in fighting fires? If your policy is that they are limited to support duties, then that raises some serious questions.

Mr. Di Santo: On the basis of the existing policies.

Hon. Mr. Auld: As I recall, Mr. Ringham, or maybe it was John Walker, said earlier that Junior Rangers were used after training in wildfires in 1977 or 1978.

Mr. Walker: For sure in 1979 in Geraldton district some Junior Rangers were used on actual wildfire fighting in conjunction with, as I explained, the auxiliary crew system. A unit crew leader or a second in command would take two or three Junior Rangers, form a crew and take initial attack on fires as required.

This has also occurred in past years. I can't give you specifics, but I am aware that Junior Rangers in situations where manpower has been at a low have been employed and have asked to be employed in firefighting duties. In the main, as I indicated before, I don't believe we would consider subjecting those types of crews to serious fire situations. It is my opinion that the possibility of using Junior Rangers under such circumstances as I have described in fire control has existed.

Mr. Wildman: That paragraph basically is that, regardless of experience, even with casuls, they are limited to doing jobs with minimum skills so that you can free more qualified staff to do duties in fighting fires. Is that a fair reading of the policy and, if so, is it following the policy to use Junior Rangers in firefighting?

Mr. Ringham: The policy of using Junior Rangers in firefighting, Mr. Wildman, is outlined in appendix five of the board of review's report.

Mr. Wildman: Obviously, it's going to take me some time to review that, but can you tell me yourself how this policy, as stated under the section on extra firefighter, relates to Junior Rangers and Experience

students, or does it relate at all? It says in the document, Qualification Standards for Staff on Fires, under the section on extra firefighters, "their main role should be limited to doing jobs requiring a minimum of skills or training, thereby freeing other ministry staff for duties which require trained personnel."

11:30 a.m.

I'm interpreting that to mean they should not be involved within the perimeter of a fire. First, is that a correct interpretation, and second, how does this overall policy on extra firefighters relate to Junior Rangers?

Mr. Ringham: In answer to Mr. Wildman's question, I think both Mr. Walker and I attempted to convey that there are certain kinds of fires and there are points in time you might call on large fires—I'm talking about very large fires—when the control action has been successful enough to declare part of the sectors more or less in the mop-up stage.

As I pointed out, I think training Junior Rangers in the first week and extra firefighters who could qualify—that would be on the perimeter of a fire.

Mr. Bolan: Would that qualify to take place in the actual setting of the prescribed burn or would it be restricted, as you seem to indicate, to mopping up—and in a wildfire as well?

Mr. Ringham: With certain types of prescribed burns, and depending on the type of pattern that is going to be used—the whole bundle of wax—I think there are places where with proper supervision and the training they have you can use them on some section.

Mr. Wildman: You said "on the perimeter of a fire". How does that compare with "within"? I don't want to split hairs, but what is "within the perimeter of a fire" compared with "on the perimeter"?

Mr. Foulds: In a prescribed burn it is one thing, and in a wildfire it might be another.

Mr. Ringham: I think we are going to get into problems here on the definition of what is the perimeter. I would say "within the perimeter" means within an established fire line around that fire.

Mr. Bolan: Let me turn to appendix five, the ministry policy on using and training Junior Rangers on forest fires. In it you set out a certain policy for Junior Rangers—safety and firefighting training, et cetera. Are you saying that this policy, which is set out in appendix five, also applies to the use of fire rangers relating to prescribed burns?

**Mr. Brown:** You are saying "fire rangers".

**Mr. Bolan:** I'm sorry, Junior Rangers.

**Mr. Ringham:** Yes.

**Mr. Bolan:** You are saying there was a policy in place in 1978 and 1979 with respect to the use of Junior Rangers for prescribed burns. Is that right? If that's the case, I would like you to turn to page 99 of the report, the third to last paragraph: "The 1968 program evaluation by the district and Junior Ranger supervisory staff regarding prescribed burns recommended that Junior Rangers be allowed to observe prescribed burns in the future, with the intention of allowing some Junior Rangers the opportunity of participating directly."

There is a vast difference between this and your policy in appendix five. Appendix five does set out a policy under certain conditions where they can be used to fight fires, whereas on page 99 you speak about an evaluation program which may allow Junior Rangers to be used in prescribed burns at a later date, "to observe, with the intention," et cetera.

In the evaluation of your 1978 program you say that Junior Rangers would be allowed to observe prescribed burns for the purpose of participating in them later on. That, to me, is different from the policy which is set out for fighting fires.

**Mr. Brown:** Can I assist you, Mr. Bolan, with an interpretation? On the policy, in appendix five, the second paragraph, as I understand it, it expresses this duty that the use of Junior Rangers in fighting forest fires or in direct support is at the discretion of the district manager, who will ensure that they are under the supervision of a qualified supervisor. There is a discretion there.

On page 99, in the paragraph to which you have referred, is there anything to suggest that that discretion supersedes anything that could have happened in 1978 or was intended to happen in 1979, in that the ultimate determination is with the district manager?

**Mr. Bolan:** I don't know, and I suppose that's why I'm asking these questions. On the one hand, appendix five says there is a policy. On the other hand, the report says there was an evaluation of a 1978 program, which said that given certain conditions they may consider using some Junior Rangers at some other opportunity. Incidentally, if you look at the 1979 program, it does not appear to have incorporated the evaluation report for the use of Junior Rangers on prescribed burns.

**Mr. Brown:** All I'm saying to you is if in the discretion of the district manager—wherever he was—he decided he was not going to use Junior Rangers in his fire program, under the policy that would be his decision to make. Would you agree with me there?

**Mr. Bolan:** I don't know. I'm not on the hot seat. Perhaps Mr. Ringham can answer the question. I don't know.

**Mr. Brown:** In the case of 1978, all they are saying is in that particular area there was a consideration of whether they would be used or not. If that was to aid the district manager in exercising his discretion there's nothing which conflicts with the policy. On the face of it, that discretion is the paramount concern.

**Mr. Bolan:** My reason for pointing this out is to indicate to the committee that there is an obvious distinction between the use of Junior Rangers in fighting forest fires and the use of Junior Rangers for prescribed burns. Would you agree with that, Mr. Ringham?

**Hon. Mr. Auld:** I don't see how you draw that conclusion. Mr. Ringham has said the ministry views the prescribed burns as fire-fighting, probably more controllable and probably less hazardous when well organized. The requirements for people participating, to me, as a layman, are the same. You are aware that the Forest Fires Prevention Act permits the ministry to, in effect, co-opt anybody on the street in an emergency to fight fires.

**Mr. Bolan:** To fight a wildfire, not a prescribed burn.

**Hon. Mr. Auld:** That's right. Nobody is going to be co-opted off the street to—

**Mr. Bolan:** To fight a prescribed burn.

**Hon. Mr. Auld:** No.

**Mr. Bolan:** No, absolutely not.

**Hon. Mr. Auld:** But the policy indicated by the deputy minister in that letter of March 8, 1976, relates entirely to Junior Rangers. I would read it as supplementary to the policy of 1972 and, in fact, adds to it the policy statement about prescribed burning.

11:40 a.m.

**Mr. Bolan:** I will get on to that later. I would like to ask—

**Hon. Mr. Auld:** It says specifically, of course, that—

**Mr. Bolan:** Wouldn't you say that the policy that I have referred to in appendix five is really not a fire policy? It's a pay



policy. I understand there has been some criticism in the past of the use of Junior Rangers to fight forest fires and that this policy is more of a pay policy.

Hon. Mr. Auld: The criticism that I heard was from some Junior Rangers who were not able to be involved in the firefighting and did not get the additional funds. As a matter of fact, that is why, in the pamphlet for 1980—which was printed prior to the end of August to be ready for distribution at the schools on September 1 when they opened—we had removed the part about firefighting.

There had been many complaints from Junior Rangers that they had not been able to take part, I suppose, both because of their interest in that kind of thing and also because they were not able to earn the extra money that goes to firefighters.

Mr. Foulds: I was trying to point out the genuine tragic irony in the distinction you are trying to draw, Mr. Bolan. In a technical sense, Geraldton PB-3/79 never got out of control and never expanded its boundaries and became a wildfire. That's the genuine tragic irony of the whole business.

Hon. Mr. Auld: But if you have additional people taking part in a prescribed burn, as I understand it, they are paid the firefighting rate. I refer the committee briefly to appendix five on the last page, at the end of that policy:

"Guideline (3) is designed to ensure that Junior Rangers do not spend their whole summer fighting fires. The intent of the program is to provide as broad a work program as possible. (Please refer to subsection JRP 1.01 concerning minimum standards for work programs.) It is also designed to ensure that other Junior Rangers will have an opportunity to gain firefighting experience."

Mr. Bolan: The question that arises from what you have said with respect to pay is: What were these Junior Rangers paid for this prescribed burn? Were they paid extra?

Mr. Walker: No.

Mr. Bolan: Why not?

Mr. Walker: It was considered to be a part of their learning experience and it was considered as, say, they had been assigned that day to work on road maintenance or some other function, I don't believe—

Mr. Bolan: What about the Experience '79 people? Were they paid additional moneys because they were on a firefighting mission?

Mr. Walker: No, I don't believe so.

Mr. Bolan: Your whole case falls down. There is nothing left.

Hon. Mr. Auld: Last year, what was the difference in the rate paid to Junior Rangers daily and the rate paid to an emergency firefighter? The emergency firefighters were paid by the hour.

Mr. Walker: That's right. When Junior Rangers were assigned to auxiliary crews or dispatched to fires they were paid the bottom rate of the extra firefighting schedule.

Hon. Mr. Auld: Do you recall what that was in 1979?

Mr. Walker: I believe it was \$3.75 an hour, but I'm not positive.

Hon. Mr. Auld: And the Junior Ranger rate for 1979?

Mr. Walker: It's \$10 dollars per day.

Hon. Mr. Auld: And the Experience rate?

Mr. Walker: It varies according to the age of the person.

Hon. Mr. Auld: There are three different ranges, aren't there?

Mr. Walker: Yes, sir.

Hon. Mr. Auld: Do you recall the bottom and the top?

Mr. Walker: I believe the bottom corresponds with the Ontario minimum wage for under 18, which is \$2.65. Again, I am not positive right now.

Mr. Bolan: Can I ask a question on that? You say you used some of the Junior Rangers and Experience '79 people on forest fires.

Mr. Walker: Junior Rangers.

Mr. Bolan: I'm sorry. You used Junior Rangers on forest fires; not Experience '79 people?

Mr. Walker: I don't believe so.

Mr. Bolan: Okay, fine. And the Junior Rangers who were earlier that year on forest fires—

Hon. Mr. Auld: You mean a wild fire, Mike.

Mr. Bolan: Oh yes—were they paid additional to fight a forest fire, a wildfire or whatever?

Mr. Walker: Yes, sir.

Mr. Bolan: But they were not paid additional to fight a prescribed burn?

Mr. Walker: I don't consider that they were, at least initially, intended in any way to be fighting the prescribed burn.

Mr. Bolan: I didn't ask that question. They were not paid additional to take part in the prescribed burn?

Mr. Walker: No.

Mr. Bolan: Yet according to what I have heard here this morning, a prescribed burn



and a forest fire are, in many respects, the same thing. Your case fails on that, Jimmy.

**Hon. Mr. Auld:** They are obviously different operations, because one is control and the other isn't. Prescribed burns are generally, I suppose, not involving emergency firefighters, are they? All the people involved in fighting and all those who do the cleanup and make sure there is nothing still burning are regular staff who are paid in the regular way. Is that correct?

**Mr. Ringham:** That is correct, sir. There would be some prescribed burns where unit crew members and regular permanent staff would carry out the whole project.

**Mr. Bolan:** I wonder if I could turn to appendix A on page seven. This is an example of the cost and the technique which is used, and if you will turn to page seven you have casual and project personnel. I guess I'll get on to that later on.

I have another question and this arises out of my question last night, at which time we adjourned. I was referring to your new Prescribed Burning Manual, Mr. Ringham, in the last paragraph that untrained staff may be used in the support organization as assistance, providing that they are adequately briefed, et cetera. Then I asked the question, what were the previous regulations before August 22, 1979, with respect to the use of untrained staff on prescribed burns, and that's when we didn't know—

**Mr. Brown:** There is a problem there, Mr. Bolan. I didn't raise it last night, but if you recall you originally quoted from the section in the manual and you said, as I recall it—correct me if I am wrong—"do those words appear anywhere else before this time?" The word "regulation" came up between yourself and Mr. Conway last night. You raised the quote and asked if that policy or that aspect or whatever it is existed before it appeared in that manual.

11:50 a.m.

Then when we got on to talking about regulations. I was going to ask for some clarification. Are you talking about regulations as they might appear in a statute?

**Mr. Bolan:** No.

**Mr. Brown:** Do you use the word "regulation" in the same way you would use "policy" or "directive" or "guideline"?

**Mr. Bolan:** Whatever the ministry has laid down for the conduct, like a guideline, like a policy, like a directive, like that.

**Mr. Brown:** Do you characterize that excerpt that you have read as a policy or a guideline?

**Mr. Bolan:** From your manual? I don't know. I will ask the minister the question. Is this a policy or is it a guideline? Whatever this may be, I want to know if it was in existence before August 22, 1979.

**Hon. Mr. Auld:** Can I say one thing to you that I learned last night after the committee had adjourned? There has been some emphasis made at the inquest on the nomenclature of various papers, whether it was a policy, whether it was a manual and that sort of thing. That is one of the reasons why we, the staff, were so anxious that we have exactly the right words and the right documents, because there are differences apparently. There certainly are differences as far as our system is concerned. As I mentioned at the outset, some things are shown as procedures and some things are shown as policy levels.

We want to be very careful in answering specifically. It may sound like splitting hairs, but the descriptions of the documents are rather important.

**Mr. Bolan:** I agree with what you are saying. I did use the word "regulation" last night. I believe I used the word "guideline." I believe I used the word "policy" and I believe I used the word "directive." In other words, is there anything in that orange book there on fire suppression, Prescribed Burning Seminar—just take that one volume right there, for example—is there anything in there in writing which sets out what you would do with or whether or not you would use untrained staff?

**Mr. Walker:** To the best of my recollection, there isn't.

**Mr. Bolan:** I will ask the question again. Prior to August 22, 1979, was there any regulation, direction, guidance, memorandum—was there anything in writing with respect to the use of untrained staff for prescribed burns?

**Hon. Mr. Auld:** Perhaps I might say that I have read these documents and there is no reference to untrained staff, although there is reference to training that should be given, with the exception of the extra firefighters. I am quoting from the document, qualification standards for staff on fires, which is AF.03.42.01, dated November 18, 1977, where it says:

"Extra firefighters are employed on a short-term basis to fill a role in the suppression or service organization. Their main role should be limited to doing jobs requiring a minimum of skills or training, there-

by freeing other ministry staff for duties which require trained personnel.

"Qualifications: willingness to do the job; appearance would indicate that they are physically capable of doing the assigned job; be properly attired (work boots and work clothes,) or the same will be made available when they are hired on (van purchase)"—that refers to the fact that we have supplies at the site because I have seen them—"and ability to understand verbal and/or written instructions."

There is no question about training in that. I would answer your question—

**Mr. Wildman:** Sorry. That is the problem we have. Last night we asked for documents that pertained to policy with regard to Junior Rangers and other untrained staff or untrained personnel. You supplied us with documents which you said pertained to that matter, those policies, this morning. I am sorry, but I am still unaware whether or not this section on extra firefighters applies to Junior Rangers.

**Hon. Mr. Auld:** The policy applying to Junior Rangers is indicated in that appendix five.

**Mr. Wildman:** If it does apply to Junior Rangers, I think, from my reading of that, it is pretty obvious they are supposed to be used as a service in doing minimum skilled tasks so more qualified people can fight the fire.

**Hon. Mr. Auld:** The policy about the employment of Junior Rangers is in the first page of two, in appendix five to the board of review report, and that is taken, I assume, from the manual regarding Junior Rangers.

**Mr. Foulds:** I wonder, Mr. Chairman, if it might help the committee in its deliberations, because I thought I was clear on things about half an hour ago and now I am a little bit more confused, and that may be because I have a bad oral memory, but I don't think so—

**Hon. Mr. Auld:** A bad what kind of memory?

**Mr. Foulds:** A bad oral memory.

**Hon. Mr. Auld:** Do you talk to yourself?

**Mr. Foulds:** Not if I can avoid it. Maybe it would be extremely useful if the minister or the ministry could tell the committee, or provide for the committee in writing, precisely how all the documents that have been tabled today relate to who, and under what conditions those "whos" can participate in prescribed burns, because actually we are

considering a prescribed burn. The policy, with the greatest respect seems to—and I don't use the word pejoratively—dance around the question because it doesn't seem to have been specifically delineated for prescribed burns.

You have policy for Junior Rangers, you have policy for Experience students, you have policy for extra firefighters, and you have policy for fighting fires. By analogy, or by some process, because the situations are somewhat parallel, you drew parallels between the policies established in these other areas. I think it would be extremely useful if the ministry could provide the information I have suggested in writing before our next hearing.

**Hon. Mr. Auld:** What you would like is the ministry policy regarding Junior Rangers for prescribed burns specifically. Is that it?

**Mr. Foulds:** I think that would be a start, but maybe we should break it into two parts: What was the policy up until the incident and what is the policy now?

**Hon. Mr. Auld:** The policy this year is Junior Rangers or inexperienced people will not be used in fire-related activities until such time as we have had the report of the inquest, as I announced in the House.

**Mr. Foulds:** That is a temporary moratorium?

**Hon. Mr. Auld:** Yes.

**Mr. Foulds:** I think it would help the committee if the ministry could tell the committee precisely and concisely, in writing, how all the documents we have had tabled relate to how not only Junior Rangers can participate in prescribed burns, but others. Is that possible for tomorrow night?

**Hon. Mr. Auld:** I am informed that it is likely we could meet that deadline and have it for you tomorrow night.

**Mr. Foulds:** I think that would make tomorrow night's deliberation a little bit more coherent and fruitful. If we had an hour or two advance viewing of that document it might be very useful. Sorry, Mr. Brown.

**Mr. Brown:** Go ahead, Mr. Foulds. You are on a line now. You go ahead with it. I had something else.

**Mr. Foulds:** I didn't know, Mr. Chairman, if Mr. Bolan had finished his questioning, or whether—

**Mr. Bolan:** Not quite. I have just a couple of wrap-around questions, I suppose.

12 noon



**Mr. Wildman:** Can I ask a supplementary in relation to the document that the minister referred to on Junior Rangers in appendix five of the March 8, 1976, policy statement? First, does this policy relate to wildfires alone, to firefighting in general, including prescribed burns, or specifically to prescribed burns?

**Hon. Mr. Auld:** That is the crux of the questions that have been asked, and this is what we will attempt to answer.

**Mr. Wildman:** Okay. Second, basically what it says there is that Junior Rangers must have some training and their use will be at the discretion of the district manager. Can you explain what "training" there means? Does it mean one-day lectures?

**Mr. Brown:** Mr. Wildman, I was going to suggest we deal with that at the same time.

**Mr. Wildman:** Fine, the key there is what that term "training" means. "Safety and firefighting training will be given during the first week of the Junior Ranger program." What does that mean? Does it mean one day?

**Mr. Bolan:** I take it the answer to the question, "Before August 22, 1979, was there any guideline, directive, memorandum or whatever the case may be with respect to the use of untrained staff for prescribed burns?" was no. Is that right Mr. Ringham?

**Mr. Ringham:** That's right.

**Mr. Bolan:** So the only directive you are left with with respect to the use of untrained staff is your policy directive FC.3.07.01, which says in paragraph eight: "Prescribed burning shall be planned, supervised and carried out by qualified staff." Is that right?

**Hon. Mr. Auld:** Other than the possible application of the policy regarding Junior Rangers in firefighting.

**Mr. Bolan:** What about Experience '79 people? Where do they fit in?

**Hon. Mr. Auld:** I am not aware of any particular policy about the Experience '79 people.

**Mr. Bolan:** You are saying that your Junior Ranger policy with respect to fighting fires may have been applicable to prescribed burns. That is what you are saying with respect to Junior Rangers. What are you saying about Experience '79 people?

**Hon. Mr. Auld:** As far as I am aware there is no specific directive about Experience '79 people in firefighting or in any of its aspects.

**Mr. Wildman:** So those two together were your policies. One, that only qualified staff

be used and the March 8, 1976, policy directive that left it to the discretion of the district manager to use Junior Rangers in fighting fires and also directed that they be given some kind of training?

**Mr. Bolan:** That's right, and no policy with respect to Experience '79 personnel.

**Hon. Mr. Auld:** No separate policy.

**Mr. Bolan:** No policy.

**Hon. Mr. Auld:** If they don't have a separate policy they are covered by the general policy for everybody other than Junior Rangers. Wouldn't you agree?

**Mr. Bolan:** No, I don't agree. The difference between the Experience '79 people and the Junior Rangers is a pay policy. Wouldn't you agree?

**Hon. Mr. Auld:** There is also an age and experience difference too.

**Mr. Bolan:** Yes. Recommendation 21 of the report is that "A moratorium be placed on the use of Junior Rangers and Experience students for prescribed burn ignition and suppression." Has this been adopted in your Prescribed Burning Manual?

**Hon. Mr. Auld:** You mean in the new one?

**Mr. Bolan:** That's the only one there is.

**Hon. Mr. Auld:** Can you respond to that?

**Mr. Ringham:** I'm sorry, sir, I was examining the report.

**Mr. Bolan:** I will ask it again, Mr. Ringham. Recommendation 21 on page 114, is, "A moratorium be placed on the use of Junior Rangers and Experience students for prescribed burn ignition and suppression." Has that recommendation been incorporated in your Prescribed Burning Manual?

**Hon. Mr. Auld:** The moratorium is a separate matter. But would you like to—

**Mr. Ringham:** I would have to check. I am not familiar with all the details in the Prescribed Burning Manual.

**Hon. Mr. Auld:** I am not aware of a moratorium being referred to in the manual. That was in my statement to the House.

**Mr. Bolan:** I am referring to it as part of one of the recommendations of the report, and I am asking whether that recommendation has been adopted by the ministry.

**Mr. Ringham:** There is no specific reference to Junior Rangers per se. In the Prescribed Burning Manual it states, "Untrained staff may be used in support organization as assistance providing they are adequately briefed, that they receive close on-the-job supervision and training, and providing that



they are not permitted to enter the burn area or any other unsafe area."

**Mr. Foulds:** Presumably it didn't specifically mention Junior Rangers in the Prescribed Burning Manual because there will be an evaluation. What you did was, if I can use the legal term, put a temporary injunction on the use of Junior Rangers and Experience '79 students for the coming year. This year you won't use them at all, but presumably you are still leaving that open for some consideration in the future.

**Hon. Mr. Auld:** That is what I indicated in my statement.

**Mr. Foulds:** How does a ministerial statement get disseminated through the ministry? Does the ministry then—

**Dr. Reynolds:** Instantaneously.

**Hon. Mr. Auld:** By mail, or in some cases, Telex.

**Mr. Foulds:** Mr. Chairman, I have a number of questions on the report that I wanted to get into at some point and I want to do that as a unit, if I might. I would ask Mr. Bolan if he had anything more at this point.

**Mr. Bolan:** No, not right now.

**Mr. Foulds:** There are two areas that I found particularly crucial.

**Hon. Mr. Auld:** There is one thing we have not done yet and I would like to know whether the committee would like to hear. That is for Mr. Walker to indicate what transpired at the seminar in 1976, particularly inasmuch as we don't have copies of those proceedings for everybody today and won't probably have them for a couple of days. Is it the pleasure of the committee that Mr. Walker might give us a rundown of what transpired there and what flowed from it?

**Mr. Foulds:** I think that might be very useful, in order to have the chronology that Mr. Ringham outlined right at the beginning of the meeting.

**Mr. Walker:** At some point in probably 1975, the decision was made within the fire control branch of the ministry to put together a seminar and this was discussed at a meeting of regional fire people—a need was identified to get some key staff in the province together to expose them to the latest ideas and techniques and requirements for prescribed burning in the province.

As I recall, the objectives of the seminar were to re-establish a commitment to prescribed burning in the province as a seasonable silvicultural tool in the light of ever-increasing demands for regeneration. Throughout our bad fire years we had got away from

prescribed burning in a big way, as Mr. Ringham has mentioned, so a need for a get-together of key staff was identified.

12:10 p.m.

Within the ministry those key staff consist of two sides. On the one side, the fire control organization undertakes prescribed burns on behalf of what we might call a client group. They are the doers, the fire control personnel who conduct the burns, usually on behalf of a client program, be it an official wildlife management program or a silviculture of forest management program. Forest management is the most predominant, although some fish and wildlife and small habitat burns are conducted.

The idea was to get these groups of people together and to provide a forum for discussion on where we were in our prescribed burning program, to introduce these people to some new techniques and equipment, to expose them to some of the latest literature from the United States, from other parts of Canada and from the federal forestry service. We also wanted to reaffirm our commitment to using prescribed fires, particularly in the forest management area, and hoped for some constructive comments from those in attendance as to how we might continue to promote and enhance prescribed burning programs.

It was mentioned that I was a key organizer and a participant at the seminar. I gave a paper and led a discussion there. The seminar consisted of two sessions: one held at Quetico Provincial Park, I believe in late November 1976, and the other held at the Leslie M. Frost Natural Resources Centre in Dorset. The idea was that we would try to accommodate as many people from the northern part of the province at Quetico and from the southern part at Dorset.

I can give you a very brief outline of the program. It consisted initially of a lecture from a senior forest management person. Let me talk first about the attendees. The attendance at the prescribed burns seminar was approximately half fire control staff and half forest management and fish and wildlife staff. The idea was to generate some discussion between the client and the producer of the results. The staff came from within all levels of the ministry from both the district and regional areas.

The key presentation by a senior forester was designed to give people some background information on the use of fire in Ontario and in other parts of the North American continent to promote good forest management. We gave reasonably non-technical presentations

because we had foresters and biologists involved in the seminar who were not fire control people. We gave them lectures and work periods in such things as fire weather and fire behaviour, how to assess forest fuels and how they contribute to fire behaviour, and any results you may expect to get from a prescribed burn.

The other key area, the third area of the seminar, was for two or three senior fire staff members in the province who had considerable experience in prescribed burning to develop a scenario as to how one might go about planning and conducting a prescribed burn from day one. If one is talking about forest management operations, the planning for a prescribed burn should begin even prior to the first tree being cut. That is the ideal situation. This fire staff, which had experience in the province during the past eight or 10 years, presented that scenario.

Throughout the seminar, we handed out a number of handouts, for lack of a better word. These were actual copies of the talks being given, copies of reference material that the various presenters may have referred to, copies of a fairly extensive bibliography that was prepared on prescribed burning and copies of federal research publications that might pertain to prescribed burning.

I forgot one key part. We had in attendance at each of the seminars senior fire staff from British Columbia, each of whom had had extensive experience in prescribed burning in that province. They gave a keynote address towards the end of the seminar and highlighted what they were doing in that province with respect to prescribed burning. They also took part in the discussions throughout the seminar, which lasted, as I recall, three days at each time.

Throughout the period we handed out handouts, including this extensive bibliography. When it became evident that someone at this committee might want a copy it was difficult to find a clean copy, because each participant at the seminar took his home with him and did lots of things to it—added and subtracted and ordered some of the references. I will take back the word “subtracted” I don’t think anybody subtracted, but people definitely added. For example, the one in the district fire centre in Geraldton is half as thick again as this one. I believe this to be a reasonably clean copy of the bare material that was handed out.

**Mr. Foulds:** What would you add to it—additional articles, literature, memoranda, descriptions of actual prescribed burns that have been successfully conducted?

**Mr. Walker:** Possibly.

**Mr. Foulds:** You are not sure?

**Mr. Walker:** I am not sure what various individuals may have added, but those sorts of things, yes. We made all articles listed in the bibliography available if people wished to order them. If some chose to order those, then perhaps they would add those to this collection as well. One of the comments was—and this was made verbally; I don’t recall a formal follow-up—that perhaps we did need a Prescribed Burning Manual that drew all these things together. A lot of discussion has taken place since then. As I recall, it was the fire control branch’s intent, as Mr. Ringham stated earlier, that at some time in the future, and as we could, yes, this would be a start and we ought to get on with producing a Prescribed Burning Manual somewhat in the fashion we see it here today.

That is a brief background of our prescribed burning seminar. As I indicated earlier, it was initially sort of a process whereby we might get back on track with prescribed burning as a management tool in the province. That was the intent of it.

12:20 p.m.

**Mr. Bolan:** Did you take part in the preparation of the Prescribed Burning Manual?

**Mr. Walker:** Yes, sir.

**Mr. Bolan:** When did you start to work on it?

**Mr. Walker:** It would be some time in the early fall of 1976.

**Mr. Foulds:** Excuse me for a minute. The prototype we see before us today actually started in 1976 as a result of this seminar. Is that a fair comment? I suppose both Mr. Bolan and I are driving at the same thing, namely, how much of an impetus, in fact, did the tragedy of the Geraldton fire give to finalizing what has been talked about. Is there anybody who can answer that question?

**Mr. Bolan:** Quite substantially, I would imagine.

**Mr. Ringham:** Some of the material that was in here was used to produce the latest version which I’m hoping to table.

**Mr. Van Horne:** Who was co-ordinating this? Mr. Walker took part in this, but who was the one who would oversee the direction? Was it you?

**Mr. Ringham:** Mr. Sleeman, director of the aviation fire management centre.

**Mr. Bolan:** Mr. Walker, to what extent had you worked on this manual from 1976 until August 22, 1979?



**Mr. Walker:** Personally, very little.

**Mr. Bolan:** Had you been requested to put something together by senior people in the ministry?

**Mr. Walker:** I personally had not. I left the fire control branch in 1979.

**Mr. Bolan:** I see. There was no directive given to anyone from 1976 until after August 22, 1979, to prepare a Prescribed Burning Manual?

**Mr. Walker:** I believe we were all aware that it was a job to get done within the whole spectrum of things we had to do. We were aware of that, but didn't do it.

**Mr. Bolan:** Yes, but what was being done about it?

**Mr. Foulds:** Surely that is a question a more senior official of the ministry should be answering rather than Mr. Walker?

**Hon. Mr. Auld:** I didn't quite hear it.

**Mr. Bolan:** What was being done about putting together this manual before August 22, 1979?

**Hon. Mr. Auld:** I think I heard Mr. Walker say it had its genesis three years before and was in the process of being put together.

**Mr. Bolan:** Yes, but who was putting it together and who was doing what to put it together? He said he didn't do anything about it.

**Hon. Mr. Auld:** Let me give you the answer to that tomorrow. We will find out exactly who. My guess is that there a number of people who would contribute on a continuing basis on specific things. They would change as staff was being moved from one position to another. We will try to get the major contributors' names.

**Mr. Van Horne:** If I could just add on to that, I understand from an answer given to me a few moments ago that it was Mr. Sleeman who was the director in charge of putting this together. Did he have control of it from the beginning? Was there one person from the genesis, as you call it, in 1976?

**Hon. Mr. Auld:** I'm told that Mr. Sleeman has been the director of that branch right through, so he would have been in charge.

**Mr. Van Horne:** So he was overseeing this from its beginning up to its completion?

**Hon. Mr. Auld:** That's my information.

**Mr. Bolan:** Perhaps we could hear from him afterwards. I have a question of Mr.

Walker. In this seminar in 1976 was there any discussion about the use of personnel for prescribed burns?

**Mr. Walker:** Not that I recall in terms of the qualifications and that sort of thing.

**Mr. Bolan:** Presumably, you were relying on the policy of March 1972 that the prescribed burning would be carried out by qualified staff. That flows?

**Mr. Walker:** Yes.

**Mr. Wildman:** What happened before March 1976 which led to the statement of policy that Junior Rangers could be used? Was that a change? Is that something new or was that just putting into a policy statement a practice that had been followed previously?

**Hon. Mr. Auld:** I think that question might best be directed to the deputy minister, who sent the memorandum indicating the policy as far as Junior Rangers are concerned in firefighting.

**Dr. Reynolds:** Mr. Chairman, this goes back to appendix five in the review report. If I might draw your attention to the heading, which is "Ministry Policy on Using and Paying"—there are two arms to that one. It's not just the paying, although that's a pretty predominant and obviously important one; it's on using them as well as paying them.

That was in 1976, and this would precede the seminar, but it was at about the same time. Frankly, I wouldn't have expected the seminar to have dealt with that. They were dealing with the broader aspects of the technology of prescribed burning and the use of fires as a silvicultural tool and that sort of thing. It wouldn't be relevant, for example, to talk to the people from British Columbia about whether they use Junior Rangers, that wouldn't be a topic.

**Mr. Wildman:** I agree, I understand that. But what I asked, Dr. Reynolds, was what happened between 1972, when the policy statement was made that only qualified staff would be used, and March 1976, which led the ministry to make a policy statement pertaining to the use of Junior Rangers in firefighting. Did anything change? What was the reason for moving from a point where you are saying only qualified staff can be used to a point where you say Junior Rangers can be used at the discretion of the district manager?

**Dr. Reynolds:** Nothing really altered that, Mr. Wildman. I suppose several things contributed to it. For example, Junior Rangers wanted to fight fires. They were interested



in this sort of thing; they wanted to observe them and I suppose go back and tell their friends they had been working on fires. It's a program that has interested Junior Rangers for a long time.

In addition to that, if that was going to happen increasingly—and it appeared it was—we needed to have a pay policy in place: so that if Junior Rangers were working on fires in the role of extra firefighters, it would be only fair to pay them at the same rate as those beside whom they were working.

**Mr. Bolan:** But you didn't do it in this case.

**Dr. Reynolds:** They were not fighting fires, Mr. Bolan. The words "fighting prescribed burns" have been used here on a number of occasions, but unless the fire were to get away from us, one does not—

**Mr. Wildman:** In which case it's a wildfire.

**Dr. Reynolds:** Then it becomes a wildfire. But up to that point—

**Mr. Bolan:** And then the policy on Junior Rangers applies?

**Dr. Reynolds:** I guess it does.

**Mr. Bolan:** That's right. And it does not apply to prescribed burns.

**Dr. Reynolds:** Junior Rangers, Experience people and others have worked on, I think I can say, numerous prescribed burns. It was not a problem until this unfortunate accident. It was a routine type of thing, and there were many of them.

**Mr. Wildman:** Again, that's my problem.

**Mr. Bolan:** Could we have a list of the prescribed burns where Junior Rangers and Experience '79 people were used?

**Mr. Brown:** How long?

**Dr. Reynolds:** Not for tomorrow. This will take quite a lot of digging.

**Mr. Bolan:** There wouldn't be that many of them.

**Dr. Reynolds:** I'm not sure. I just don't know the dimensions of it. We can undertake to pull that together.

**Mr. Bolan:** We would like to find out if Experience '79 people and Junior Rangers have been used before in prescribed burns.

**Dr. Reynolds:** And not just Experience '79, you're interested in Experience any year?

**Mr. Bolan:** Yes, Experience '78, '77. Let's go back to 1976.

12:30 p.m.

**Hon. Mr. Auld:** Perhaps I could make one comment. It's apparent from what we have heard today that the training requirements are similar for fighting wildfires and taking part in prescribed burns. They may not be exactly the same, but they are similar, as far as Junior Rangers are concerned. The pay policies are different.

**Mr. Bolan:** I can see the trap you are in. You say that prescribed burns and wildfires are not that different with respect to the use of personnel, but when it comes to paying them there is a difference. You draw a definite distinction between Junior Rangers being used on a prescribed burn and Junior Rangers being used on a wildfire.

**Hon. Mr. Auld:** As has been said, the one we're all thinking about didn't get away in the sense of spreading to burn areas other than planned. Some have, I understand, and then a different situation arises.

**Mr. Wildman:** While the question of pay is important and relevant, surely our main concern is deciding, how an individual is qualified and how he should be used on a prescribed burn. I wonder if it is fair to say that the large increase in the number of prescribed burns is related to the tremendous political debate, and the debate within the ministry, on the need to step up the regeneration program? Did you find yourselves short of staff, which meant if you were to carry out the number of prescribed burns you wished to carry out you were going to have to use less-qualified people than you would prefer to use?

**Hon. Mr. Auld:** My information is that other than in those years when we had a lot of wildfires—as I think Mr. Ringham and Mr. Walker have indicated—that was not a problem. There may have been individual problems in a community because of other circumstances, but my information is that last year we did not have a great many wildfires, and the year before—

**Mr. Foulds:** Specifically, though, in the board of review report, on page 78, under target accomplishment, I quote: "There has been a strong province-wide emphasis in recent years on the importance of prescribed burning in the forest regeneration program. This has created a requirement to assign and to meet targeted areas of prescribed burns. Undoubtedly, the Geraldton district staff, having been leaders in the prescribed burn program for over 10 years, feel this pressure keenly.

"In the case of the Esnagami Lake burn, there was the added element of 'time running

out.' With the probability of very few satisfactory burning opportunities left in the fire season and the certainty that most fire control staff would be lost within two weeks, the district was in a 'now or never' situation. These pressures were felt strongly and personally by the senior fire staff, who transmitted them to subordinate staff."

Surely that indicates in very strong terms for a bureaucrat—if I can categorize Mr. McCormack that way, he probably doesn't appreciate that—that pressure was felt within the district? It was signed by all the members of the internal board of review, and ties together both the province-wide pressure and the pressure within the district to meet the targets. It seems apparent, in reading the report, that the targets became important.

**Hon. Mr. Auld:** I might ask the chairman of the board of review to comment on that.

**Mr. McCormack:** Mr. Chairman, I have read this, and others have referred to it. What we were trying to get at was the normal haste that we all have in any of our jobs to complete our targets, whether they be tree planting targets, regeneration targets or prescribed burning targets. The season was running out in the sense that there would be only a couple of weeks left and maybe only one burning day in those two weeks when the job could be done. The unit crews, most of whom were college students and university students, would be going back to school.

Of course, the burning season would be over and the supervisory staff quite naturally felt it was a job left to be done. The weather looked as if it would be just right in a couple of days. So there was this normal pressure in the work sense, not in an enveloping sense or from above coming down, that you were going to get 40 lashes, so to speak, if you didn't meet your target.

**Mr. Wildman:** But internal rather than external.

**Mr. McCormack:** Yes, an internal sense of accomplishment. If there is a problem with the wording here I guess we are at fault, but that was the message. Put in terms of the haste and the pressure, it's a normal pressure that goes on in the job.

**Mr. Foulds:** Excuse me for a moment, I just wanted to follow up with a supplementary. You mentioned in the report about the quota.

**Mr. McCormack:** The target.

**Mr. Foulds:** The target. I mean was there a quota system and were there so many prescribed burns that had to be met in the 1979

season in order to meet regeneration targets, either province-wide or in individual districts?

**Mr. McCormack:** To answer the question, in terms of setting the target for the Geraldton it all starts in the fall before. The forest management staff and the fire control staff select sites together that may be appropriate for prescribed burning for regeneration purposes. Come budget time, it is agreed that in assistance of the forest management program the fire control part of the district manager's organization will assume a target. In other words, in this case I think it was about 350 acres of site preparation that will be carried out by prescribed burn.

Meanwhile, the forest management program begins in the spring and continues out through the summer. They have the equipment hired for scarifying or whatever and are, in effect, depending on the fire control people, weather permitting, wildfires permitting, to assist them in reaching this regeneration target.

**Mr. Foulds:** The target or the planned acres in the Geraldton district were 530, and they had achieved 280. I have forgotten the size of the plan of PB-3.

**Mr. McCormack:** It was—275 is close.

**Mr. Foulds:** In fact, by this one prescribed burn they would have met the target?

**Mr. McCormack:** Yes.

**Mr. Foulds:** And that's what you were talking about when you said it was a now-or-never situation for them in meeting that target?

**Mr. McCormack:** No. Possibly again we have a problem with words. In effect, it was a now-or-never situation in the sense of the weather, whether they could get the job done to contribute to the overall district regeneration target. And it was no problem at all because, being good civil servants, sometimes we overachieve our targets and sometimes we underachieve. That site would be available for a prescribed burn in the following year. But in the sense of accomplishment—

**Mr. Bolan:** I'll just ask a question on one of the remarks you made there. Again, it relates to the report, where at page 79 it says "most fire control staff would be lost within two weeks". So the idea was to get this done as soon as possible because two weeks down the line most of your fire control staff would be gone. Would I assume from this that fire control staff consisted mainly of students and Experience '79 people?



12:40 p.m.

**Mr. McCormack:** No. The workers, the trained unit crews, in my experience, across the north—and I can't give details—but generally in the ministry a large percentage of our unit crews are university students, young men, adults and college students from the community colleges who are in forestry, biology, whatever, and they, of course, are hopefully intelligent young men in first-class physical shape—

**Mr. Bolan:** But they are not Junior Rangers or Experience '79 people?

**Mr. McCormack:** No, these are unit crew people and would repeat year after year. Usually in a five-man crew, you will get one or two repeats, or about three repeats in two years. Quite often in the case of the Geraldton crews, if I remember correctly, at least two fifths of the crews were composed regularly of returning native persons.

**Mr. Bolan:** So what you are saying is that on August 22 you had enough fire control staff to do the burn on that day?

**Mr. McCormack:** No doubt about it. For that burn there were sufficient fire control staff, and I think we have commented further on that in the report.

**Mr. Bolan:** If that's the case then why did you use Junior Rangers and Experience '79 people if you had enough fire control staff on that day?

**Hon. Mr. Auld:** Mr. Chairman, I think we are straying again into questions before the inquest.

**Mr. Bolan:** That may be your interpretation of it, but it's not mine.

**Mr. Brown:** That begs the question though, doesn't it? With respect, Mr. Bolan, you are asking the ministry to explain—in this case the people who were in charge—why they acted in the manner in which they did, and that has become the subject of the inquest.

**Mr. Bolan:** No, I am asking them, Mr. Brown, to explain a contradiction. The contradiction is this: on the one hand, they say they had enough fire staff crews to do the burn and yet, on the other hand, they have all kinds of Junior Rangers and Experience '79 people. It's a contradiction which is made here at this committee and we are entitled to an answer.

**Mr. Brown:** With respect, Mr. Chairman, that's not a contradiction. You can use the term, but once again we get down to what I recall in the hearing and what you may

recall or you may have read. The fact is that the use of the Junior Rangers and the Experience people is a very central issue to the whole matter—why they were used, why they had to be used, why so many of them were used, the number of people who were on the fire—all those matters relate to the decisions that were made by the individuals who were in control.

If it's a contradiction, it's only a contradiction with respect to how those people acted and what they might have done or should have done under the circumstances. If that's not an issue before the inquest, then, with respect, I have been there and wasting my time.

**Mr. Bolan:** No, I don't think you have been wasting your time; I think your time has been very well spent by being there. However, it is my position that this is a question which can properly be answered and is a clear contradiction, and it goes right to one of the main roots of the problem. As such, this committee can deal with it, and perhaps the chairman would care to make a ruling.

**Hon. Mr. Auld:** Mr. Chairman, I feel that I'd take the advice of Mr. Brown. I must say, as a layman and from what I have read in the papers, that is a very central issue in the inquest. So I really think if we are going to accomplish what the committee has set out to do—which is deal with those things which are not before the inquest—we should pass on to the next item, because there may well be an opportunity to deal with this at some future date when the inquest has been completed.

**Mr. Bolan:** I disagree with that. The question which I have asked arises out of something which is set out in this report and it arises out of statements by Mr. McCormack.

Let's get another thing straight about the statements too: Enough evidence is out right now—in the form of this report, in the form of all these documents—to get back to the inquest jury.

Let's face it. It is not as if this is something which has been kept, then released all of a sudden. There is nothing whatever to prevent any member of the inquest jury from getting all this information right now. I am certain the jury's decision will be based on the evidence which has been presented to it and not on what is going on at these hearings. I think there is a responsibility on the part of the ministry to answer these questions now and not to hide behind the inquest.

**Hon. Mr. Auld:** Mr. Chairman, with that term which is used often in court, with, I



am told, the greatest respect, I will take my advice from our counsel.

**Mr. Bolan:** I don't blame you.

**Hon. Mr. Auld:** That says it all, doesn't it?

**Mr. Brown:** Let me give you something I was going to read the other day. It won't take more than five minutes, but it may assist you with respect not to my position but to the position both of the McRuer commission on civil rights and the Ontario Law Reform Commission which recommended the amendments which took place in the act of 1972. It relates to the function and the concerns:

"An investigating coroner is performing a quasi-judicial duty and he makes decisions that not only affect the public interest, but the private interest of individuals. A coroner is empowered under law to ascertain the existence of facts and to draw conclusions therefrom as a basis for official action. This power is vested in the coroner to be employed in the public interest.

"One of the features of this public interest is the protection of the individual and the community against activities and situations that can cause or contribute to the occurrence of avoidable fatalities. Another feature is the protection of the interests of those individuals who are or who are thought to be connected with the death against the heedless or arbitrary actions of officials who exercise the quantum of the government power.

"It is clear that on occasion coroners will be confronted with situations that can be nothing else than the results of unconscionable disregard for human life. Coroners' investigations will also disclose any instances of negligence and gross error that have led to the loss of life and which call out for correction and redress.

"Regardless of the nature of the circumstances, however, it cannot be overemphasized that in his capacity as an investigator the coroner's task is to ascertain facts and not to pass judgement upon the activities of those whose behaviour is thereby called under question. For an investigating coroner publicly to give voice to his conclusions as to the propriety of the conduct of the principals involved in a case, regardless of the nature of the facts involved, would be a denial of due process of law to anyone whose reputation, ability, professional standing or judgement is thereby affected or impugned. The investigating coroner is not an instrument for dispensing justice, but is, rather, performing an official preliminary step so that justice may be done."

I bring this quote to you: "It is inconsistent with the office of the coroner that the coroner should make statements to the press or other news media relative to the matter under investigation other than to say that the matter has been reported to the coroner and that an inquest will or will not be held. Press interviews about the details of the matters under investigation are entirely inconsistent with the statutory obligations of a coroner in his office, and his oath of office and the rules governing the course to be followed by coroners in the conduct of investigation should be clearly laid down."

One final comment which they make, and I will give you a copy if you would like, is: "We have already stated that the coroner should be restrained from making comments for publication during an investigation. What we have said applies with greater force with regard to making comments after an inquest has been ordered, during the inquest, or after the inquest."

All I am saying, with respect, is that that is what gave rise, as I understand it, to the amendments to the act and to such changes as the provision for cross-examination and the calling of witnesses by the parties. The real concern expressed, as I understand it, is interference with the normal course of the inquest and, in particular, by the coroner. It seems to me the same rules should apply to everybody.

**Mr. Bolan:** Perhaps we can get around this by asking a general question which would avoid the problem presenting itself now—and I agree it is a problem, Mr. Brown; I know that.

Is the ministry or is the minister admitting that there was a policy in this particular incident which was not followed? If so, what was it?

12:50 p.m.

**Hon. Mr. Auld:** I think that one is worse than the one before.

**Mr. Bolan:** No, it isn't.

**Hon. Mr. Auld:** The report speaks for itself. Our board of review makes comments. There have been other comments made in the inquest. That is the last question I would answer. The Attorney General (Mr. McMurtry) has indicated, and Mr. Brown confirmed last night, that the government is not denying liability. If we are not denying liability then one can assume that something was wrong.

**Mr. Bolan:** Okay, fine.

Hon. Mr. Auld: What was wrong is still in the hands of the jury and will be when the inquest resumes, I would assume.

Mr. Bolan: The fact that there is an admission of liability certainly does resolve many problems, but I take it from your answer that the ministry is in fact admitting that there was a policy which was not followed. I think that flows from what you just said. What was the policy?

Mr. Wildman: Mr. Chairman, I am most concerned about the question of the policy in terms of quotas or targets. If what you are saying is that there was a target of 530 acres, they only met 280 acres and this one burn would achieve the 530 acres, then are you saying that internal pressure led to this burn?

Mr. McCormack: Excuse me, sir, wanting to get a good job done.

Mr. Riddell: That means one step closer to head office.

Mr. Foulds: I am not that cynical.

Mr. Wildman: Are you also saying that in determining whether you had enough crew to do this, you are facing losing crew after two weeks, you took into account only those university students and the native people who had experience as crew, and you did not take into account other types of support staff, such as Junior Rangers?

Mr. McCormack: I am surprised, in terms of the time of month, that they got a good day to burn on the 22nd. That was another factor.

Mr. Wildman: So you saw good weather and said, "We had better get ahead"?

Mr. McCormack: In terms of a burning season, for the prescription that was set out for that particular prescribed burn, in the whole season there are eight days—the computer does this for us—in terms of our experience, for that type of site and the weather in that particular area. You can accomplish the depth of burn and the completeness of burn on just eight days, and that is over I forget how many periods of years that has been averaged out.

I would suggest, at least in my experience, that the possibility of having a burning chance like that happening again after the 22nd would be totally remote, and in fact, that is what happened. The weather changed on the night of the 22nd and that was it for prescribed burns or fires of any kind really in the Geraldton district.

Mr. Wildman: So you are saying weather was the factor in this case and in most cases with prescribed burns—

Mr. McCormack: Opportunities to burn.

Mr. Wildman:—rather than calculations of staff being available?

Mr. McCormack: Both.

Mr. Brown: I just want to make something clear, Mr. Wildman. When you use a collective "we," one of the issues before the jury is whether the individual who gave the go-ahead to conduct the burn, as it were, the person who was one of the people in command, acted properly, and it was those considerations which are being examined.

Mr. Wildman: I am not trying to transgress on that at all.

Mr. Foulds: Mr. Chairman, I have a question that arises out of the discussion we are having with Mr. McCormack, which I find actually illuminating. Regarding the number of prescribed burns, let's take one on page four and table two on page five. What I found most fascinating when I first read the report was that the number of burns between 1976 and 1977 remained almost stable, 21 to 20. In fact, there was a decrease—there are a whole host of reasons for that—but the number of acres for prescribed burning doubled. As I interpret that, as a matter of policy, people are planning larger burns.

Mr. McCormack: A couple of things there, Mr. Foulds, if I may interrupt. In my rough mathematics, 37 is twice 21.

Mr. Foulds: I was comparing 1976 and 1977, because that is when the policy decision was taken. That occurs after the seminar. That is when the policy decision to use prescribed burn as a regeneration technique and restate the commitment to it took place.

Mr. McCormack: That's an impetus there, but I think another factor would be a reflection in 1976 of a fair amount of conservativeness in terms of the size of area. As you remember, 1976 was a major wildfire year in the province—

Mr. Foulds: Yes.

Mr. McCormack:—where most regions, probably including Geraldton staff, were all in the northwest region that I am responsible for. I would therefore suggest that tends to illustrate that in terms of size of burns they would be more conservative in what they would undertake.

Mr. Foulds: As a result of your review when we get into 1978 where you almost double the acreage—say, 2,000 more acres in terms of burn—should it not be a matter of policy for the ministry to take that small "c" conservative attitude and restrict the size of the burns, particularly as—I wanted to get into this today and we won't have time—the



fuel-burning load on a site is one of the most difficult things to calculate?

It was not calculated properly in PB-3. If I am correct, you only have the tables worked out for jack pine slash, and you have a rule of thumb for other loadings such as black spruce, which is much more highly flammable. There are a whole series of questions that I wanted to get into in those areas.

Mr. Brown: I think Mr. Walker was the author of the jack pine slash index. Were you not?

Mr. Foulds: Could I just ask the ministry if I am correct in saying that there has not been any other index developed except the jack pine slash index? There has not been an index developed for balsam or spruce?

Mr. Walker: In Ontario, that is correct. That sort of work has traditionally been undertaken by the federal forestry research people in Sault Ste. Marie, which group I used to be a part of. Jack pine slash was identified originally as being the number one concern. Subsequent to that development and its refinement, there is work ongoing in immature jack pine and budworm-killed balsam fir. There is no specific work being done on balsam or spruce slash per se, as I understand it.

Mr. Wildman: This was a black spruce area?

Mr. Walker: This was primarily mixed spruce and balsam, with some jack pine.

Mr. Foulds. Were there some questions about the mix of the stand by Mr. Kincaid when the plan went down to him?

Mr. Walker: Yes.

Mr. Foulds: Perhaps I could continue this line of questioning when we resume, Mr. Chairman.

p.m.

Hon. Mr. Auld: Mr. Chairman, may I make one comment for the record? We have also distributed in the last few minutes one other policy paper on the subject of provincial fire teams, and it is policy FC.3.03.02, dated May 19, 1978, and this was in relation to Mr. Van Horne's question. This is the other paper that you asked for.

Mr. Bolan: I just have one other question, and it is a request. Mr. McCormack, you told us that the work crews consisted of many university students, et cetera, and we have a list of all of the people who took part in the prescribed burn on that day. Perhaps when we get back you could give us a list of those people who fit the description of those you have described as university students, the ones who are going to be leaving inside of two weeks?

Mr. McCormack: May I add something to that? Mr. Walker is the district manager. Would it be better, John, in terms of a total perspective of what was available in the district, that we have the ratio for all the unit crews in the district, because those were your resources?

Mr. Walker: Either way.

Mr. McCormack. That would be the best way.

Mr. Bolan: That may be best for you, but I don't know if it is best for me. You said the reason for going ahead with that as soon as possible is because your crews were going to be disappearing inside of two weeks and many of the people were university students. We have a list of all those people who were there. All I am asking is, can you get a list of the people who fit the description of those you have just described?

Mr. McCormack: Yes.

Mr. Bolan: Thank you.

The committee adjourned at 1:02 p.m.



### SPEAKERS IN THIS ISSUE

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Auld, Hon. J. A. C.; Minister of Natural Resources (Leeds PC)  
Bolan, M. (Nipissing L)  
Di Santo, O. (Downsview NDP)  
Eaton, R. G. (Middlesex PC)  
Foulds, J. F. (Port Arthur NDP)  
Newman, W. (Durham-York PC)  
Van Horne, R. (London North L)  
Villeneuve, O. F.; Chairman (Stormont-Dundas-Glengarry PC)  
Wildman, B. (Algoma NDP)

**From the Ministry of the Natural Resources:**

Brown, D., Counsel  
McCormack, G. A., Regional Director, Northwestern Region  
Reynolds, Dr. J. K., Deputy Minister  
Ringham, L., Assistant Deputy Minister of Northern Ontario  
Walker, J. D., District Manager, Geraldton



No. R-6

# Legislature of Ontario Debates

## Official Report (Hansard)

**Standing Committee on Resources Development**  
Annual Report, Ministry of Natural Resources, 1978-79

**Fourth Session, 31st Parliament**

Thursday, April 17, 1980

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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# LEGISLATURE OF ONTARIO

## STANDING COMMITTEE ON RESOURCES DEVELOPMENT

THURSDAY, APRIL 17, 1980

The committee met at 8:07 p.m. in committee room No. 1.

### ANNUAL REPORT, MINISTRY OF NATURAL RESOURCES, 1978-79

(continued)

**Mr. Chairman:** The committee will come to order. I believe the minister has additional information to be tabled. Perhaps he would read it out.

**Mr. Conway:** Mr. Chairman, a point of order: I wonder if the committee might agree to a suggestion made in my absence yesterday? My Liberal colleagues and I have discussed the matter today, and we were wondering whether there would be any objection to a staff member, Mr. Greer, attending at the table for the documentation, which is considerable? It would facilitate, as it does for the ministry people, our communication for purposes of this committee.

**Mr. J. Johnson:** Mr. Chairman, there sure as hell would be an objection. There is no way. If he wants to get elected, let him run the same as the rest.

**Mr. Conway:** Mr. Chairman, I presume—

**Mr. Kerr:** There is some objection.

**Mr. Conway:** —there is some objection. I just point out that I have always found as a private member that it makes sense to allow the minister of the crown such staff as he obviously requires for support purposes, whether they be one or 10 or 20. I think that's his entitlement.

**Mr. J. Johnson:** Would you let him sit beside you in the House?

**Mr. Conway:** I simply draw to the attention of my colleague from Wellington-Dufferin-Peel (Mr. J. Johnson) the fact that we do have a convention for estimates and committee purposes that allows ministers to be attended by very considerable staff support. If there is no consensus and if there is particular difficulty with my good and reasonable friends in the Conservative caucus with respect to my eminently reasonable request, then I do not intend to exacerbate their very peculiar sensibilities any further.

I think the member for Prince Edward-Lennox (Mr. J. A. Taylor) yesterday, in my absence, drew to the committee's attention the desirability of such support staff being made available to opposition caucuses. I am prevailing upon his good reason here this evening, but if it is going to be particularly difficult for my reasonable friends in the Conservative caucus to accept at my behest or Mr. Taylor's, then I will be quite prepared to reconsider.

**Mr. J. A. Taylor:** I would not want to be a support for your alter ego.

**Mr. W. Newman:** Mr. Chairman, I have a comment to make about Mr. Conway's comments about having his expert present. He is always handing him notes and talking to him while the minister is trying to speak to your colleague on your right. It is very distracting for the minister. We do happen to have ridings. We are elected. If we do not have the intelligence to be here, we should not be here.

We are dealing with a very difficult situation here. It is very technical, I appreciate that. I think it is up to us, as members who are elected by the people we represent, to deal with the matters here tonight. The minister has got his backup staff, because you want to ask him questions. You have been doing that. If we can't handle it as members, then we should not be here.

8:10 p.m.

**Mr. Foulds:** As usual, I feel caught between the Tories and the Liberals here. On the one hand, I feel that maybe the opposition should have the same rights as the government when it is engaging in battle such as this. For that, I might make a suggestion to have a little table out in front, as we do in the House, with Mr. Greer on one side and perhaps another Liberal researcher on the other, particularly because when the Liberal Party is engaged in a battle of wits. I wouldn't want it to go into battle unarmed. On the other hand, I feel as a parliamentarian a certain attachment to tradition. It would certainly be a precedent that we are setting.

I would like a day or two to think through the implications of the precedent.

**Mr. Conway:** I will save you the effort and simply move that the individual caucuses be allowed one research assistant for purposes of the table. That is my motion, and I will formalize it to that degree.

**Mr. J. Johnson:** Mr. Chairman, maybe I was a little premature in my assessment of the earlier situation, but I do believe that the minister has personnel with him tonight because he was requested by both opposition parties to have these people here. If Mr. Conway is indicating he would prefer that the minister's staff be dispensed with tonight, I am sure we will go along with that.

**Mr. Conway:** That is absurd. My motion still stands.

**Mr. Chairman:** You have heard Mr. Conway's motion.

**Mr. Wildman:** Mr. Chairman, are we allowed to abstain on this?

**Mr. Chairman:** All those in favour? All those against?

Motion negatived.

**Hon. Mr. Auld:** Mr. Chairman, I think all members received the documents that were requested last night, including the statement on the ministry policy on qualifications for prescribed burns, which I sent to each caucus just before the House rose at six o'clock. In addition, I would like to table the procedure circular, Reporting Injuries, Fatalities and Property Damage, which is IN 4.00.11, issued December 21, 1970, which was requested. We produced the other copies of the Junior Ranger Program Manual, one for each caucus, yesterday morning. There are additional copies as indicated.

The third item is Junior Ranger policy revisions, dated June 27, 1978; the fourth item, Junior Ranger pamphlets, 1977 and Junior Ranger pamphlets, 1978; and finally the fifth item, additional copies of Prescribed Burning Manual. I hope nobody will be wallowing in paper, but it is a great night for the pulp and paper companies.

**Mr. Wildman:** I have a question in relation to the questions I raised yesterday on the qualifications. What is meant, if anything, by the material that was given to us today entitled, Rundown of Ministry Policy on Qualifications for Prescribed Burn Work which applied during the 1979 fire season? Forgive me, but this material does not tell me what I asked, which was how these two policy papers and one procedure paper relate to Junior Rangers.

The question is: Does the third one Qualification Standards for Staff on Fires which I was discussing yesterday, relate to Junior Rangers? If it does, is that the extra fire staff that is listed in that policy? No where in this paper that was given to us today does it clarify that question, which is the one I was asking.

It lists the qualifications of a unit crew member and crew leader and so on. Then on the second page it says, in the fifth paragraph from the bottom: "In the case of Junior Rangers, they may be assigned to fire duties commensurate with the fire suppression training they receive during the early stages of the Junior Ranger program. Basically, they would be used around the base camp of a fire as helpers, packing equipment assisting cooks, unloading vehicles and aircraft."

That seems to mean that no Junior Rangers would be used in the ignition of a prescribed burn, nor would they be used within the perimeter. If my interpretation is correct, I would like to have it confirmed. If it is not, I would still like to know what that paragraph means and whether Junior Rangers, and for that matter Experience students, come under the extra fire crew specifications of that policy FC.3.08.02.

I am mystified why we would have this given to us in answer to the question I raised and not have it made clear. Surely the purpose of this document is to clear up the confusion we ran into previously, and it doesn't do that.

I ask the minister and his staff to tell us once and for all what their policy, if any, was with regard to Junior Rangers and prescribed burns. I also would like to know if they had any policy at all prior to August 1979 with regard to Experience students. This material that has been given supposedly to clear up the confusion does not do that.

**Hon. Mr. Auld:** Mr. Chairman, I wonder if Mr. Ringham, the assistant deputy minister, northern Ontario, would respond to that question.

**Mr. Ringham:** Mr. Chairman, in reply to Mr. Wildman's question, he is correct in that the three policy circulars listed on page one do not per se apply directly to Junior Rangers. The policy governing the use of Junior Rangers you will find in the PB-3/79 review, appendix five.

**Mr. Wildman:** The March 8, 1976, policy?

**Mr. Ringham:** Yes. The Junior Ranger Program Manual, working conditions, etcetera, are set out on the following page.



As pointed out the other day, there have been times in the past when they were extremely pressed for manpower, such as in 1976 and some of the earlier years in the 1970s, when it has been necessary to form what we call auxiliary crews. As explained the other day, in such an event, Junior Rangers would be given additional fire suppression training. Mr. Walker went into this in some detail the other morning.

When that takes place, in my opinion, the policies as outlined here apply, and they are being used.

8:20 p.m.

Dealing with Junior Rangers, first—item two—their use in fighting forest fires is at the discretion of the district manager, who will ensure they are under the supervision of a qualified supervisor. That's the first thing. There is a certain discretion the district manager has.

Mr. Di Santo: Mr. Chairman, may I ask a question? Did you say that policy FC. 3.08.02 does not apply to Junior Rangers?

Mr. Ringham: Not per se. They don't mention Junior Rangers in it. In the content of those circulars Junior Rangers per se are not mentioned.

Mr. Di Santo: I understood yesterday that was the policy that applied to Junior Rangers. Am I wrong?

Mr. Wildman: That would seem to be indicated. This document you gave us basically tells us nothing and your only policy in terms of Junior Rangers is that policy statement which is in appendix five of the orange booklet, dated March 8, 1976. It basically says it was at the discretion of the district manager, period.

Mr. Ringham: There are other points in there too—

Mr. Wildman: Certainly, he has to have a supervisor.

Mr. Ringham: They are under the supervision of qualified supervisors. I think in the statement we've given you we've tried to explain what are the qualifications of those supervisors. When Junior Rangers are assigned to fire duties, these are the people who would be in charge of them.

Mr. Wildman: You have no specific policy with regard to Junior Rangers, other than that.

Mr. Ringham: I think we have, in this.

Mr. Wildman: I don't.

Mr. Kerr: How about the bottom of page two, and the top of page three? Doesn't that deal with it?

Mr. Wildman: Page three deals with the policy now, not prior to August 1979.

Mr. Kerr: I'm talking about the top of page three, with reference to Geraldton. Isn't that the document you are referring to?

Mr. Wildman: Yes, but I'm talking about general policy. Sorry, I'll let Mr. Ringham go ahead.

Mr. Ringham: I think what I am saying is if the district manager, in his wisdom, feels he wants to employ Junior Rangers in some role on a fire or a prescribed burn, and he believes that under the supervision of qualified supervisors he may do so, once these people come on the burn it's quite apparent that the final decision on how they're going to be used on that prescribed burn or wild-fire is the fire boss's.

For Junior Rangers or other unskilled or less-trained firefighters, the basic responsibility in the discretion of the fire boss is to assign his more skilled firefighters or crews to the most difficult fire zones in that particular fire or prescribed burn. The most difficult parts of the operation should be assigned to the most experienced and best crews, the ones trained to do best the particular duties. The ones who are less experienced or less trained, such as Junior Rangers or Experience people, would be assigned to low-risk zones and support activities. We have attempted to bring that out in the paragraph which we cite, on page two.

I think it should also be brought out that in the training of assistant unit crew leaders or fire bosses, to start with, in fire course one, which is for the first fire boss level, instruction is given to the candidates on such courses in the deployment of resources, including manpower, that they be done along the lines we have indicated in the foregoing statement I just made, namely, that you use your best crews for the most difficult parts of the operation.

Mr. Bolan: Basically, I understand, Mr. Ringham that this document, the letter of April 17, which was given to us by the ministry today in response to the request made yesterday by either Mr. Wildman or Mr. Foulds, describes the function of the Junior Ranger in a fire, whether it is a prescribed burn or a wildfire or whatever kind of fire, that the function of a Junior Ranger is support and service and not active participation in suppression or ignition. Isn't that right? Is this not clearly set out in the third last paragraph of page two, which says:



"Should the decision be made to use Junior Rangers, they would be assigned to crews working on the low-intensity sides of the fire. Duties could include packing hose for the nozzle crew, patrolling the extinguished edge of the fire, while regular crew members dig out hot spots with shovels and apply water with backpack pumps, or clearing the walking trail along the fire edge." Isn't that right?

Mr. Ringham: If the decision is made to use Junior Rangers in an active fire, they could be assigned safely to the low-intensity sides of the fire—

Mr. Bolan: To do the things which are set out in the third last paragraph?

Mr. Ringham: I beg your pardon, Mr. Bolan?

Mr. Bolan: To do the work set out in the third last paragraph on page two, is that right?

Mr. Ringham: On the third last paragraph of page two, the duties could include such things. These are examples of the kind of things they would do.

Mr. Bolan: And it does not include ignition of prescribed burns.

Mr. Wildman: Mr. Chairman, can I ask if these things listed in the fifth last paragraph and the third last paragraph on page two are all-inclusive, or are they just set out as examples, while it is still at the discretion, either of the fire boss or the district manager, as to what duties a Junior Ranger might be fulfilling, first, in any fire and, second, in a prescribed burn?

Mr. Ringham: We have attempted to give some examples of the types of things they might be doing.

Mr. Wildman: I understand you have given us examples here, but have you given us examples of policy which was in effect prior to August 1979?

Mr. Ringham: I would say I have the policy as stated in the appendix there. First of all, it permits the district forester in his opinion, if he has the proper supervision, to assign Junior Rangers. The fire boss has the final control on the site and his instructions and his training are to use people according to their training, their aptitude and their skills.

Mr. Wildman: Their training, as outlined in those two paragraphs, would entail support services at the base camp, unpacking equipment, helping to cook, unloading vehicles, packing hose, patrolling the edge, maybe digging out some small hot spots with

shovels and putting out such hot spots with backup pumps.

Are you saying those are the only types of things that would be considered, or are you saying those are examples of things that could be done, but it is still up to the discretion of the fire boss or the district manager whether they be allowed to have a more active role in the management of a prescribed burn or the fighting of a wildfire?

8:30 p.m.

Mr. Ringham: I am saying the latter. First of all, if the district forester, at his discretion, feels he has the proper supervision to assign Junior Rangers to fires, wildfires or prescribed burns and in the final analysis the fire boss does what he is supposed to do according to his official training course, and what would be expected of any supervisor, applying good supervision, whether it's firefighting or any other job. He would use his best trained people to do the most difficult task.

Mr. Riddell: Just to clear the record, it doesn't state that Junior Rangers dig out hot spots. It's the regular crew members who do that.

Mr. Wildman: That's right.

Mr. Ringham: Mr. Chairman, if I may just go back to the other morning, I guess I didn't do too good a job of trying to explain that every fire is not—

Mr. Bolan: On a point of order.

Mr. Chairman: The witness has every right to go back and tell us something.

Mr. Bolan: While we're questioning him on a certain point?

Mr. Chairman: Yes. Just let him give his explanation and then ask your questions.

Mr. Wildman: I think he should be allowed to clarify the testimony which he gave before.

Mr. Chairman: That's what I think. You've got to be fair with the man.

Mr. Bolan: As long as it's going to be on the same subject matter.

Mr. Conway: We have a long time, so we don't need to hurry him.

Mr. Wildman: Let's keep in mind that I also raised the question with regard to Experience students, which has not been broached yet. I would think Mr. Ringham should be given the opportunity to finish off.

Mr. J. A. Taylor: Then we'll hear Mike's point of order.

Mr. Ringham: Mr. Chairman, the other morning I was trying to point out that every fire is not a burning inferno such as you see

in some fire movies. I gave a personal example of one fire which it would be perfectly safe to put unskilled people on. I was unskilled at the time myself.

There are other times, on other fires and during the course of fires, because fires wind down once there are good control lines established, where you can use Junior Rangers, semi-skilled people and unskilled people quite safely on the first perimeter. That's what I was trying to point out. I think that's what we're also attempting to say in that paragraph.

In dealing with the other point you raised sir—

**Mr. Wildman:** Before you deal with the Experience students, in relation to the matter where Mr. Riddell corrected the record, in terms of these examples that you're giving where a Junior Ranger might be packing hose for a nozzle crew which is doing these things, such as putting out the hot spots, is it conceivable that where a fire boss or his superior may not have as many staff as he feels is necessary at that particular time those kinds of duties might have been assigned to a Junior Ranger; that is, putting out the hot spots with shovels and backpack pumps and so on?

**Mr. Ringham:** I would say there have been times, I can't say for sure, that unskilled people have been used once a wildfire or a prescribed burn—mainly a wildfire—has been brought successfully under control and the fire is winding down. There are still hot spots inside the fire perimeter, the established controlled lines. They have done that job. They have taken out hot spots and knocked down lead chichots that are still burning and these types of things.

**Mr. Wildman:** Does anyone have any questions on that, because I'd like to go on to the Experience students in a moment? I have some questions on that.

**Mr. Bolan:** Mr. Ringham, you're now putting into policy something which is not written in this letter to us of April 17, and that is to say that functions of a Junior Ranger would include things such as ignition in a prescribed burn. Is that what you're saying now?

**Mr. J. A. Taylor:** How about your point of order?

**Mr. Ringham:** Based on my experience, I don't think Junior Rangers would normally be used in ignition.

**Mr. W. Newman:** Mr. Chairman, can he speak up a bit, please? It's very difficult to hear him over here.

**Mr. Ringham:** I'm sorry, sir?

**Mr. W. Newman:** It's very difficult to hear you over in this corner with the camera buzzing in our ear.

**Mr. Chairman:** Do you mind moving that camera?

**Mr. Bolan:** Mr. Ringham, I didn't ask you "in your experience," I asked you about policy. Is it policy—and it certainly is not set out in here—that Junior Rangers are to be used in prescribed burns for ignition purposes?

**Mr. Ringham:** It is not policy to the best of my knowledge.

**Mr. Bolan:** It takes a long time. One has to draw it out and one has to stick with it. In a prescribed burn, what does an experienced worker do that a Junior Ranger is not allowed to do?

**Mr. Kerr:** Put out the fire.

**Mr. Ringham:** That's a difficult question to answer, because it depends on the type of burn, the time of burn, the condition of burn and the fuel load. There are all kinds of factors which enter into that kind of a decision.

**Mr. Conway:** It's at the professional's discretion.

**Mr. Foulds:** As a supplementary if I might, Mr. Chairman, if I may say so, I think that's an unfair comment unless you give the man a chance to answer the question fully.

**Mr. Conway:** It's a basic question.

**Mr. Wildman:** Does he feel competent to answer the question?

**Mr. Foulds:** I wanted to ask a supplementary to draw a fuller answer out of Mr. Ringham. How do you make the judgement, either in a prescribed burn or in a wildfire, that you are "safely" assigning a less trained, less skilled person to the low-intensity side of the fire? How can you make that prediction?

**Mr. Ringham:** How does the fire boss make that prediction?

**Mr. Foulds:** Yes.

**Mr. Ringham:** Fire bosses are assigned on the basis of their experience and training to different categories of fires, to different degrees of difficulty with a specific fire. Basically, it would be a judgement call on his part on the basis of his experience and on the basis of the weather information he has available to him—the probable wind direction and burning conditions over the next 24 or whatever hours for which he can get a forecast. There would be a whole series of factors going into such a decision as that, Mr.



Foulds, but basically, it would be wound up in the fire boss's training and experience.

**Mr. Foulds:** I have to press this. How can you, as a matter of policy—and this may be getting back to what Mr. Bolan was driving at—make that distinction about the low-intensity and the high-intensity side of the fire, because those conditions are very changeable?

**Mr. Ringham:** I think it would be almost impossible to put on paper what would stand up under all the various kinds of conditions one is going to encounter in fighting wildfires or in prescribed burns.

**Mr. Conway:** Mr. Ringham, so I can be clear on this, I want to sort out in my own mind Mr. Bolan's point and I want to give you an opportunity to respond on a similar concern.

What, in a wildfire, can a regular crew member do that a Junior Ranger is not entitled to do? What, in a prescribed burn, can a regular crew member—using the jargon of your April 17, 1980, document—do that a Junior Ranger is not entitled to do? Where, in the various policy documents that we have before us, is that important line of demarcation set out?

**Mr. Ringham:** I will ask my colleague on my right to help me out with this. Mr. Bruce Little is the fire management education officer for the province. He is deeply involved in training and conducting courses.

8:40 p.m.

**Mr. Little:** Mr. Chairman, if I may go back to this question, you wanted to know how you could determine the intensity. On a wildfire the intensity is there. You can see which side is very hot, which side is weak. On a prescribed burn the fire is not there; you have to start the burn. On the preplanning you have determined that a fuel bed should burn in a certain manner.

In the case of PB-3, all the indicators up to that point indicated a low-intensity fire. The fire boss, or the people in charge of that fire, made a decision, based on what they had observed that day, that the fire was going to be hard to light; a lot of fire power was needed. On that basis the individuals elected to use the inexperienced Junior Rangers on the ignition.

On a burnout on a wildfire I am pretty sure the flames are the height of this ceiling and burn 80 to 90 feet deep. You would not put somebody of that calibre in front of such a fire to burn it out.

**Mr. Conway:** On that point, is there anything anomalous about the fact that on

PB-3 the results of the fuel sampling, determining how much fuel was on the area, were not compiled before the ignition? Is it a typical procedural policy not to have in one's possession before ignition the fuel sampling analysis?

**Mr. Little:** It is part of the preplanning.

**Mr. Conway:** I understand that entirely. One of the things that struck me about the report was that it indicated on page 13 that the fuel sampling to determine how much fuel was on the area was carried out in all blocks of the proposed burn by fire control and forest management staff in the spring and early summer. The results were not compiled prior to the ignition of the burn.

**Hon. Mr. Auld:** Mr. Chairman, before this proceeds any further, I would like to ask counsel whether we are now infringing on the—

**Mr. Riddell:** When things get hot you cannot hide behind that veil.

**Mr. Conway:** If it is a matter of policy, I want to know whether it is typical that that kind of analysis, which I understand is done for all kinds of good reason, would not be in the possession of those who are doing the burn before ignition takes place.

**Hon. Mr. Auld:** Mr. Chairman, before we go any further I would like to hear from counsel whether we are getting into a field that is still part of the jurisdiction of the decision and recommendation field of the jury of the inquest.

**Mr. Brown:** When you started out, Mr. Conway, you made reference to some evidence. You referred to the report and you used what would appear to be—correct me if I am wrong—the findings of that board with respect to the use of the indices that are available to measure moisture content, etcetera. If you read the report then it should be clear to you that the conduct of the fire in relation to the use of those indices is clearly an issue—whether they used them, whether they did not use them, whether they were used to the extent they should have been used.

That is part of the whole picture and, with respect, it is another question that has to be answered. You are posing to the witness the same question that was posed to the ministry witnesses at the inquest: "Was there not a policy in place? Did you not use it? Why did you not use it?" These are questions that clearly were brought up and discussed.

**Mr. Conway:** Mr. Chairman, I fully appreciate the special counsel to the minister and his position, but I do not accept it: I think



it important for this committee to realize that this particular report is properly before us. In so far as the general policy of points that members are interested in, I want to reassert my principal concern apropos the point just made by the witness. I asked then and I reiterate now, is there a policy that indicates that the kind of fuel sampling process that is widely known should be in the hands of those who are doing the burn before ignition takes place? Is that a policy, quite independent of PB-3 or anything else?

Mr. J. A. Taylor: Mr. Chairman, a point of order: We have just been dealing with a question, as I would interpret it, of whether the line of questioning now is infringing on the rule of sub judice. Is that correct, Mr. Chairman? I know you have been monitoring the discussion tonight very carefully, with a lawyer at your left. Am I correct in summarizing your concern is that we may be transgressing now on this rule of sub judice and contrary to the standing orders?

Mr. Foulds: I think if I may speak to the point—

Mr. J. A. Taylor: I am asking a question and I want to know.

Mr. Bolan: On a point of order?

Mr. J. A. Taylor: On a point of order.

Mr. Bolan: Can't we speak to it?

Mr. J. A. Taylor: I asked a question. You have been speaking to it all night.

Mr. Bolan: Other members wanted to speak to the point of order.

Mr. J. A. Taylor: I asked a question.

Mr. Bolan: I intend speaking all night too.

Mr. J. A. Taylor: You do?

Mr. Bolan: Yes.

Mr. J. A. Taylor: I don't deny you that. I know you are capable of that. But I have asked a question and I think I am entitled to an answer before you speak.

Mr. Foulds: I think it may have been my question about low intensity, in which the witness referred specifically to PB-3 in his answer, that got the committee into this dilemma.

Mr. Conway: I don't see any dilemma.

Mr. Foulds: We were asking questions on the matter of policy with regard to low-intensity fires and how that could be determined, and I think the citing of PB-3 may have been the thing that caused Mr. Brown—and subsequently the questioning of Mr. Conway—the difficulty the ministry has.

Mr. Chairman: I think that is a question to refer to the counsel because, after all, I am not a legal man.

Mr. Bolan: On a point of order, he is counsel for the minister, not counsel for the committee.

Mr. Chairman: That's quite all right. On this sub judice question, I don't want to get anybody into trouble. I wouldn't want to do injustice to anyone. In fairness, the fact that it is before an inquest is something a layman is not in a position to judge; at least I am not, and if I do not have counsel to direct me I don't want to be guessing.

Mr. Wildman: With respect, Mr. Chairman, we in our party suggested at the very beginning of this process that this committee, to deal with this matter correctly, should have counsel. Lacking counsel you have to make a decision.

Mr. J. Johnson: Mr. Taylor asked a question of counsel and I would like to hear his answer.

Mr. Wildman: He is counsel to the minister, not to the committee.

Mr. J. A. Taylor: I would hope we would look at this thing sensibly. If we are offending a rule, a standing order, if we are going to do something that is going to prejudice the the current hearing, which is the inquest, if we are going to prejudice a lawsuit—and I understand the minister has been served notice of certain litigation—then I think we should be advised of that. I don't think the assumption should be that we are all familiar with the rule and what might be implicit in it.

Look, Mike, you are a lawyer, you are an officer of the court, I am sure you would want to do what is proper.

Mr. Bolan: I am not being paid to give legal advice to the committee. If you want to hire me, okay.

Mr. Conway: Mr. Chairman, I believe my question is in order and I move to that effect.

Mr. J. A. Taylor: Let's have a ruling on it.

Mr. Eaton: I'd like to speak to the point he is putting forth. When we started into this discussion a week ago, there was a clear indication that all we were going to be discussing were the actions of the ministry in relation to the policy—not in relation to what actually happened at the site, or why somebody did something or did not. I think this was made very clear before this committee.

There are many questions that keep cropping up, especially from Mr. Bolan, of the sort: why were these people used in a

certain way? I feel we are very much infringing on it. If they want to get into those kinds of questions, then let's set the committee aside until such time as the inquest is finished and then they can ask all the questions they want. It is obvious he is trying to be the one who probes in and tries to grab a few headlines because he is probing for information on what actually happened on the site. Some of the things he has been trying to do to staff are pretty offensive to me.

Interjections.

8:50 p.m.

Mr. Eaton: There you are right now. You are at it right now.

Mr. Bolan: You dare make a statement like that. You should be ashamed of yourself.

Mr. Eaton: It is obvious when you say that because we have the proper jurisdiction in a coroner's inquiry, and in the court procedures which will take place.

Mr. Bolan: Not for what we are doing.

Mr. Eaton: For what you are doing, yes.

Mr. Conway: Mr. Chairman, could I speak to the point of order? I want to be very clear on what my concern is here. We are aware there is a fuel sampling analysis, which I understand is a normal part of the procedure on a prescribed burn. The question I put and would like to have answered is, is it part of the policy or procedure that the analysis of that fuel sampling be in the hands of people designated in charge of a prescribed burn before ignition takes place? That is the point I want comment on, quite independent of anything else.

Hon. Mr. Auld: In my view, I see nothing wrong with that question.

Mr. Conway: That is the point I wanted to put. That maybe solves our problem.

Mr. Foulds: I would just like to make a point, Mr. Chairman. We have before us a matter of very serious gravity. We have before us the matter of the seven deaths. We have before us the responsibilities that arose out of that prior to and subsequent to that. Frankly, I would plead with this committee to treat that matter with the seriousness it deserves.

Mr. Wildman: And dignity.

Mr. Foulds: I would hope we can be as tough and as probing as we have to be, but that we could do that with a certain amount of civility.

Mr. Conway: I concur. With the minister's latest comment, I would be happy to withdraw my motion, considering the question I put and the answer I solicit, if that is under-

stood. I just want to put as a supplementary to the questions of Mr. Foulds and Mr. Wildman, a question on the matter of policy, as to whether or not there is a requirement that the analysis of the fuel sampling be in the hands of those in charge of the prescribed burn before ignition occurs.

Mr. Little: The policy and procedure on prescribed burning and the method of fuel-loading calculations preceded that method by several years. The technique and measurement of fuel loading is a new device we have.

Mr. Conway: Perhaps I don't understand. The question I have is very simple, the question of a fuel sampling analysis.

Mr. Little: I would say no.

Mr. Conway: There is no requirement that the analysis should be in the hands of the crew?

Mr. Little: Not at that time.

Mr. Conway: There was not. Is there now?

Mr. Little: Yes, there is now.

Mr. Conway: There is now, as a result of the last six or eight months. When did the change occur? When did it become a requirement?

Mr. J. A. Taylor: Where are we going now?

Mr. Conway: I just want to finish the point.

Mr. Chairman: I think the question is fair. He is not asking about this particular incident.

Mr. Conway: No, I am not interested in PB-3. The witness indicates that—

Mr. J. A. Taylor: You are being corruptive though. You are going to run right into this rule. You know that and we all know that. The NDP was clever enough to say, "Let's go as far as we can and then we will take a crack at it after the inquest."

Mr. Little: The policy we were working on was issued in 1972. To do a PB now, prior to this one, which has been reissued, the fuel-loading analysis was not a requirement.

Mr. Conway: Can you date that change more specifically?

Mr. Little: I can't recall the date on that. The change is now as of 1980.

Mr. Conway: As of this document, April 1980, there is a requirement that fuel-sample analysis must be in the hands of the crew before—

Mr. Little: The planners.



**Mr. Conway:** The date then for the change is April 1980. Prior to that, there was no obligation for that analysis being in their hands?

**Mr. Little:** No.

**Mr. Conway:** Thank you very much, Mr. Chairman.

**Mr. Wildman:** We started out yesterday dealing with a couple of clarifications. I cannot understand why it is so difficult to get an answer to a fairly simple request. Can you tell me whether the extra firefighter qualification, in the policy qualification standards for firefighters, FC3.08.02, dated November 18, 1977, applies to Junior Rangers and, something we have not got to yet, Experience students, or did the policy dated March 8, 1976, which is part of appendix five, apply?

We keep being told the March 8, 1976, policy applies to Junior Rangers. At the same time, the staff of the ministry also refer to the extra firefighter policy. I want to know which one applied to Junior Rangers. If somehow both did, I would like to know that too. How do they relate to one another? Can we just get that? We have been trying to get it for some time.

**Mr. Ringham:** Mr. Chairman, in reply to Mr. Wildman's question, certainly the policy dated March 8, 1976 would apply to Junior Rangers. When they would be assigned to a wildfire or a prescribed burn, they would fall into approximately the same category as some extra firefighters.

As I pointed out the other day, some of our extra firefighters, especially native people, have considerable training.

**Mr. Wildman:** Are you telling me that basically both of them apply?

**Mr. Ringham:** Yes.

**Mr. Wildman:** All right. Having said that, can you tell me if you had any policy with regard to Experience students and firefighting or prescribed burns?

**Mr. Ringham:** We have no written policy per se about Experience program employees for prescribed burns.

**Mr. Wildman:** Did you have for wildfires?

**Mr. Ringham:** I would say they would be in the same category. Here again, some of our Experience employees have had previous firefighting experience before they joined the ministry.

**Mr. Wildman:** So you are telling me the extra firefighter provision of FC3.08.02 applies?

**Mr. Ringham:** I am saying, Mr. Wildman, that you would have to look at the individual applicant and his past experience.

**Mr. Conway:** Are you answering my question, which I think Mr. Wildman was coming to? We started out on this a couple of minutes ago and I want to be very clear about it.

In a wildfire what can a regular crew member do that a Junior Ranger cannot do? Similarly, in a prescribed burn what can a regular crew member do that a Junior Ranger or Experience person cannot do? Where in policy or procedure is that important—for us—line of demarcation set out?

**Mr. Ringham:** First of all, a crewman's qualifications are spelled out. In a statement today we attempted to show the type of work a crew member would do: on page one: "Successfully meet the requirements of a district unit crew training course, which consists of 40-hour classroom and field assignments covering fire organization, basic fire behaviour, duties during initial attack and ground safety."

9 p.m.

On those fires, our regular crewmen would perform duties as part of a crew to help establish a fireline such as indicated here, "use of hand tools and chainsaw for fireline construction, use of power pumps, hose laying, application of water, use of ignition equipment" during back firing operations and so on.

**Mr. Conway:** I understand that without any difficulty. I guess I am more anxious to know what is it that the Junior Ranger can't do that a regular unit member can do, or is that really a matter of on-the-spot discretion? Is that what we are really dealing with here?

**Mr. Ringham:** As I tried to indicate earlier, sir, it's at the discretion of the fire boss and that depends on what stage the fire is in and what kind of fire or fire problems you are contending with.

**Mr. Conway:** Really depending on the discretion—

**Mr. J. Johnson:** On a point of order, Mr. Wildman started the questions off—

**Mr. Wildman:** I just have one more question.

**Mr. J. Johnson:** —at 10 past eight. We have been on the same question for nearly an hour. It would seem to me that Mr. Wildman should have the right to finish his questions without being interrupted constantly, and then if Mr. Conway would like



to take over so be it, but you should keep order of who is scheduled to speak.

[Interjections.]

Mr. Chairman: In fairness, though, the man may have a thought in mind on that particular subject that he wants to expand on.

Mr. Wildman: Mr. Chairman, on the point of order, I just want to make it clear that I have no objection to supplementary questions.

Mr. Chairman: Going right back to it, if I had followed the procedure which we normally do, the official opposition should have had the first question but you held up your hand and I took your name down.

Mr. Wildman: I just have one short question and then I will yield the floor.

Mr. J. A. Taylor: Mr. Chairman, further on the point of order, would you please indicate to the government supporters on this committee whether or not any of us will have an opportunity this evening to say anything?

Mr. J. Johnson: Or should we leave now?

Mr. Riddell: Really what Jack is asking is that the chairman relinquish his chair so he can sit in it.

Mr. Wildman: Mr. Chairman, if we can avoid this turning into a circus, I would like to ask one question.

Mr. Chairman: All right. Let's get it over with.

Mr. Wildman: Can you tell me if both of these policies, extra firefighter and the March 8 Junior Ranger policy, apply to Junior Rangers and if you have no specific policy for Experience students, basically meaning that you depend on the extra firefighter policy for them, and what you are really saying is that it's just discretion really—

Mr. J. A. Taylor: Not just discretion.

Mr. Wildman: Well, along with supervision, but mainly discretion. How can you determine, if it's done on that basis, whether your policy has been followed or if it has been violated? How can you determine whether your policy has been adhered to if it is left to on-the-spot discretion?

Mr. Conway: Is that on-the-spot discretion written in any documents? Is that statement that you have just made written anywhere?

Mr. Wildman: I hope it's not interfering in any other proceeding, but how can a superior know in analysing a situation,

whether a wildfire or a prescribed burn, if the policy has been adhered to adequately or if there has been any bending of the policy, or if indeed the policy has been violated?

Mr. Ringham: Mr. Chairman, I will attempt to answer that. Dealing with wildfire and all other kinds of functions the ministry carries out, our present management system involves what we know as operational audits. Part of that would be the regular responsibility of a district field services boss or the regional people to audit the performance in a firefighting function. To do that, they should be taking a look at what's happening in the fighting of wildfires.

In the case of the prescribed burns of course, as Mr. Walker pointed out the other day when he described some of it, and Mr. Little has attempted to do so tonight, the degree of planning is all set out ahead of time. Once the operation is completed, his report is written and certainly there are administrative means to monitor how well that job has been done and who was employed.

Mr. Wildman: Are you telling me that the kind of report that would normally be done was done after August 22, 1979?

Mr. Ringham: I should point out that in some seasons it would be physically impossible for us to monitor every fire we fight.

Mr. Wildman: Let's talk about prescribed burns. Was an audit done analysing what happened in relation to the planning, other than the report we have before us?

Mr. Ringham: I would have to go into the records to answer that question accurately.

Mr. Foulds: I have a quick supplementary on that line. In Ontario Hydro, when there is something that goes wrong in one of the stations, they file what is called a serious event report. Do you have a similar kind of procedure with regard to either a wildfire or a prescribed burn where there's something that either the fire boss, or his boss, or the district manager sees did not go according to plan or went wrong, a serious thing that went wrong, you file what you call an audit—

Mr. Ringham: Mr. Chairman, in regard to fires, we have a system in which we use a board of review. This was a super board of review and normally we don't go outside the ministry to add membership on it, but this was a very outstanding incident and it required the kind of membership that was assigned, in my opinion. Under our normal procedure, if something goes wrong or it's a big fire with a lot of costs involved, we would establish a board of review generally no

made up of people within that particular administrative unit.

In other words, if it happened in a district, the district people would be interviewed and all that data and all reports would be gone over, but the people making up the board of review would probably represent the aviation and fire management centre and, where there are cost factors, there would be a representative from our finance centre here in Toronto. There would be a safety officer generally assigned and there would be other people of fairly high stature in the fire management function from other regions assigned to that review committee.

**Mr. Foulds:** I wonder if I could ask for the ministry to give to the committee—should proceedings go beyond this evening, which I suspect they might—the number of those kinds of reports that have been made since 1976? Maybe it would be useful if we had a representative sample of half a dozen, if there have been that many.

**Hon. Mr. Auld:** Mr. Chairman, perhaps this might be time for me to ask a question. It seems to me that there are two things happening: one, an assessment of policy in place prior to last August, and the second one, which I hope we would be discussing and would be a proper thing for the committee to discuss, the policies now in place. It seems to me that the question of whether past policies were adequate or, in fact, if they were adequate whether they were carried out properly, is a question which is basically before the adjourned inquest. This is where we are running into problems such as we just discussed a few moments ago.

9:10 p.m.

At the beginning of the meetings of this committee to discuss the annual report of the Ministry of Natural Resources for 1978-79, which is what we are doing at the moment, the question came up, what should the committee be doing now, and if it be so desired what the committee should be doing after the inquest had produced its recommendations. As a matter of fact there was a motion along those lines made by Mr. Foulds, as I recall, to confine matters to the question of whether the minister had carried out his responsibility for the present time. The report would then be not dealt with completely but the discussion of the report would be adjourned until such time as there could be discussion about how the past policy had been used and whether it had been done properly.

I think I said at the time and have said subsequently, I have no objection to this

committee looking very carefully at the activities of the ministry in prior years. But I am concerned for two reasons about the line of questioning which leads us, inevitably it seems, to discussions of what happened on August 22 and immediately prior. Not only is there an adjourned inquest, but there are also writs issued for civil actions which have not yet commenced, but in which a number of members of the staff of this ministry are involved—not only operating staff, but senior officials; the minister, the deputy, as I understand it.

Consequently there is some real concern, and I think there should be that concern on the part of this committee, that prejudicing the positions of a large number of people is a serious matter. I would think there is every reason for the committee to look at the policies now in place, and there is no likely interference in that sort of an exercise with judicial proceedings which are either in process now or no doubt will be; but I have to say as a minister that I have very great reservations about getting into the events which are the cause of an adjourned quasi-judicial proceeding, an application to the division court and some civil actions which no doubt may proceed. Perhaps it might be appropriate to get Mr. Brown to explain just where the legal proceedings may be. I understand that writs have been issued; they have not been served I gather. But I think members of the committee should know this. I think this was in the minds of some members of the committee when we started if the committee decided to proceed by having the minister and his senior staff available for questioning by the members of this committee.

**Mr. Conway:** If the advice is avuncular and appreciated, in much of its essence, with all due respect, it is not particularly relevant, I believe, particularly in so far as the minister's comments relate to policy as it existed prior to August of 1979. I can appreciate what the minister is saying, but I believe very strongly, as one committee member, that we have an obligation to inquire into current policy, the context of its making, certainly of that policy at any rate, and such policy as it existed during the course of the previous year.

What we are trying to do, difficult as it may be for some, is to elucidate the policy process to see what we have now and to be specific in our understanding of it, of where it came from, of what direction it is going in and all those kinds of things that are germane to a group of legislators working at departmental administration.



I recognize the injunction not to stray unduly into the inquest. I take my guidance in the sub judice consideration from the ruling that Mr. Speaker wrote July 8, 1977. There are other members who no doubt see different guiding spirits in connection with the sub judice rule but I want to reiterate my view as one member of this committee. I feel we have a serious and immediate obligation to inquire into departmental policies as it relates to this matter, not only in the current incarnation, but such policy as it existed prior to 1979. I think we can move with considerable effect, to a discussion of that without impinging upon or prejudicing an inquest that is properly looking at the things mandated to it.

**Hon. Mr. Auld:** Your comments, as I interpret them, indicate that the rules do not apply to this report since it was tabled in the House. I think if you will check Hansard you will see that in the statement I made when I tabled the report, I indicated that it had to be read bearing in mind the inquest which was looking into the same subject matter. It has been pointed out that this board of review is a policy that we adopted a long time ago. It is not required by statute. It is an internal procedure which helps us improve our actions in fighting fires.

In this case we set up a somewhat different board with people from outside the ministry because of the seriousness of the results of the prescribed burn and we came to certain conclusions.

I was not anxious to make this report public because it does find fault. The people who made the report put it together in quite a different fashion from an inquest in that there was no transcription of the evidence, no questioning of counsel and that sort of thing. The people who were questioned were of course given an opportunity to see the report. Some of them are affected by it and might be subject to disciplinary action as a result of it.

It was in the paper this morning that it is proper practice that people who are going to be involved in recommendations which might lead to disciplinary action have knowledge of what is said before the report is released, as it would have been, to see that it is at least an accurate description of what had transpired. This is the reason the witnesses to this report were shown it.

Going back to what I said in the House, I said we were tabling it but those who read it would have to treat it with caution because it was dealing with the same subject that was reported at the inquest.

**Mr. Conway:** If I could speak to the minister's point in that connection, I appreciate what he said. As reasonable men I think we will have a reasonable difference of opinion on that particular interpretation. I would probably take a slightly broader view of the sub judice rule than the minister is going to, and I don't see the restrictions being as tight or immediate as he does. We will have to disagree on that.

I understand completely that we have to be cautious not to stray unduly into the inquest. I think the exchange a couple of minutes ago on one of the related matters is a good indication, but I believe we as a committee can sort those situations out as they present themselves and deal with the questions of departmental policy throughout the period before and after the event of last August. I think that is something we are entitled to do and quite frankly are obligated to do. In that connection, I feel no particular burden in pursuing the general policy questions we have here this evening.

9:20 p.m.

**Hon. Mr. Auld:** Mr. Chairman, I was reminded that when I spoke about the report I may have given the impression that I didn't want to release it because it found fault. That isn't the point. I didn't want to release it because it looked at the same matters as the inquest was looking at. It was not a question that it found fault or that it said some things were not done well, because in fact, I thought it was a pretty no-holds-barred report, as I mentioned the other night. I hope I've clarified that.

**Mr. Bolan:** What do you mean by no holds barred?

**Hon. Mr. Auld:** I don't know. That's a quote I got from Colin Vaughan on City News.

**Mr. Foulds:** I find some difficulty with the minister's statement in that it is difficult for this committee to deal with present policy and implementation of it without at least taking a look in general policy terms at the genesis and the growth of that policy. That is the reason I asked the question that led to this intervention.

The second point I want to make is I can now understand why the inquest has gone on for over two months and has been adjourned. There are questions of procedure that come up here constantly, and obviously there were questions of procedure that came up there constantly.

I would suggest very seriously to this committee that we get on with the job. If we get into another great wrangle perhaps we should



temporarily adjourn our proceedings on this matter until we get legal counsel. I suggest it not be one of the lawyers who are members of the Legislature.

**Mr. J. A. Taylor:** What concerns me in this, Mr. Chairman, is that the subject matter is really a very tragic happening. You just can't replace human lives. I'm sure we've had people before this committee as observers who are personally and emotionally involved in this process. It would certainly be disturbing to me to see this event handled by this committee in this way. It would show nothing but politicizing and wrangling over a tragic event—the loss of human lives that you can't replace.

Personally, I think it's a darn shame to see this kind of thing go on in this way. I understand the political motivation in this. I've been around here long enough to know you want to nail the minister's hide to the wall and you want to nail the government's hide to the wall. Okay, that's part of the political process, but don't walk over the backs of people who have already been harmed and who are suffering. Don't use this event for that purpose.

You know before you started this, and it was discussed, that there's a rule, and it's a rule of the House, of our own Legislature, that the House and committees should not impinge upon areas that are before a quasi-judicial tribunal or a judicial tribunal where a proceeding may be in some way pre-empted.

I am saying to the politicians around here that if they want to make political hay, fine, but let's wait until the equities have been sorted out and adjusted and the families properly compensated, and things made right, as far as things can be made right.

From what I've heard so far in these few days of proceedings, the ministry is very anxious to try to do everything it can. It has admitted liability. I'm sure it is anxious to settle whatever claims and to make proper and fair and evenhanded compensation as best it can, to the persons who have been hurt—the families of the people who lost their lives. That has been clear.

Let that happen and let the process—the quest and the court hearings—continue in as far as they are necessary. Hopefully, they will be settled and it will not be necessary to litigate. I cannot see the reason for having to carry on extensive litigation and, if that is so, then this committee can get back and go through all this. It can condemn and blame the minister. It can make the minister look stupid, or the government look bad, if it thinks it can do that. You can get your pic-

tures in the paper with as much print as you want.

I think your timing might be even better a little later on, but do not usurp the functions of a judicial process now and unnecessarily hurt the people involved by the type of inquiry that I have seen conducted these last few days.

**Mr. Conway:** Is there a point of order?

**Mr. J. A. Taylor:** Yes, I'm speaking to the point of order, to the question of where the committee is going. The solicitor for the ministry objected on a number of occasions to the line of questioning by some of the members. He pointed out where we were erring.

I know Mr. Conway has his own opinions about that, but if every member has his own opinion and is judge and jury we are going to have chaos and there is going to be a lot of undesirable fallout. We don't need that.

I'm suggesting the process that has been conducted is not very constructive and that we could have what has been mentioned as a full, free and no-holds-barred debate after these proceedings are over. Then you can do all the political damage you want or think you can do. Frankly, I don't see any point in this committee proceeding.

**Mr. Conway:** Frame a point of order or frame a motion. We have to be talking to something other than the minister's concern with the sub judice rule.

**Mr. W. Newman:** I have been sitting here patiently for almost an hour and a half asking to be heard. I have listened to all sides of the story. I have been sitting through these hearings for several days.

Obviously, a lot of you want to have free-wheeling debate, which is fine. But there's a time for that, as Mr. Taylor has just said. I'm not a lawyer but there is an inquest on. It has been adjourned at the present time. The notice of civil litigation, civil action is the proper order. There are court proceedings going on at this time. All these things are happening.

There is a fine line which we keep moving over one way or the other. The lawyer for the ministry says, "You moved over" and you say, "We did not move over." It is a fine line, but as far as I'm concerned there comes a point when we have to say to ourselves, "Look, it has been a very serious, tragic situation." I think I can probably say, for everybody in this room, that every one of you has at some time had someone from your riding as a Junior Ranger. I know I

have. I know the kind of work they do and I have talked to many of them. They have enjoyed their work. We have had a very tragic incident.

We have a semi-legal process, or whatever it may be, going on now. If you, as two other parties, want to tear the ministry apart or praise it, whatever it may be, that's your prerogative. That's what the political process is about. But we are sitting here tonight discussing this, wondering where we are—over which line, or some line or some other line. I'm sure the minister has nothing to hide. I'm sure that when the inquiry is all over you will just—

Mr. Conway: On a point of order—

Mr. W. Newman: No, let me finish.

Mr. Conway: We have to have something to speak to. If the honourable members who were cultivating the fields of discussion here weeks ago, when the original motion was put that directed us in this reference, wish to put a motion to do something or other, please do so. But in the absence of that I would like to continue with the reference in the broader sense.

Mr. W. Newman: Mr. Chairman, I have a motion and I will make it right now if you wish. Okay?

Mr. Conway: Fine.

Mr. Chairman: Mr. W. Newman moved that the committee adjourn its consideration of the annual report of the Ministry of Natural Resources for 1978-79 until a decision of the divisional court on the application for judicial review by Messrs. Reid and Spurgeon relating to the coroner's inquest into the prescribed burn near Nakina is rendered.

9:30 p.m.

Mr. Eaton: I would like to speak to that—

Mr. Conway: A motion to adjourn is not debatable. I'm ready for the question.

Mr. Eaton: At the same time he indicated a certain time and the time is debatable.

Mr. Conway: I don't think so, with all due respect to the member for Middlesex. I'd appreciate a ruling on that. My understanding of the rules, and I may be misinformed, is that a motion to adjourn is not debatable. Is that the case? If it isn't, let's know about it. My understanding is that the motion to adjourn is not debatable.

Mr. J. A. Taylor: Would you read the motion again, Mr. Chairman?

Mr. Chairman: Mr. W. Newman moved the committee adjourn its consideration of the annual report of the Ministry of Natural Re-

sources for 1978-79 until a decision of the divisional court on the application for judicial review by Messrs. Reid and Spurgeon relating to the coroner's inquest into the prescribed burn near Nakina is rendered.

All those in favour? Seven.

All those opposed? Eight.

Mr. Chairman: I declare the motion lost.

Mr. Foulds: Mr. Chairman, the previous motion was not debatable, although it raises serious questions. I would like to put the following motion and have your ruling on it.

Mr. Chairman: Mr. Foulds moves that this committee (a) engage legal counsel, (b) the committee through a steering committee advised by that legal counsel develop a detailed plan of work, (c) defer any further consideration of the matter before it until those two things have been accomplished and the ruling on the neutrality of the inquest has been handed down.

Hon. Mr. Auld: What was the last part of the motion?

Mr. Foulds: "Defer any further consideration of the matter before it until . . . the ruling on the neutrality of the inquest has been handed down."

Mr. J. A. Taylor: Does that cover the previous motion that was lost?

Mr. Foulds: No, it does not. It is somewhat different.

Mr. Chairman: I understand from the clerk that a motion to hire a counsel will have to go to the House.

Mr. Bolan: That's right, because it will take money.

An hon. member: Yes, but we can move it to make that request of the House.

Mr. Foulds: Presumably, if the motion passes here in the committee, it becomes part of a report we submit to the House and the House then makes a decision on it.

Mr. J. Johnson: Mr. Foulds, would it be in order if I were to ask the opinion of the legal counsel?

Mr. Foulds: I think this motion is debatable, so there are all kinds of questions—

Mr. J. Johnson: But would you be opposed to my request?

Mr. Foulds: No.

Mr. J. Johnson: Mr. Chairman, may I ask legal counsel for an opinion on the motion?

Mr. Eaton: Does he know when that might be?

Mr. Conway: Can we have a five- or 10-minute recess so that the motion can be prepared and circulated?



**Mr. Chairman:** I think five minutes is sufficient time.

The committee recessed at 9:35 p.m. and resumed at 9:45 p.m.

On resumption:

**Mr. Chairman:** The meeting will come to order. It has been moved by Mr. Foulds: That this committee (a) engage legal counsel, (b) the committee through a steering committee advised by counsel develop a detailed plan of work, (c) defer any further consideration of the matter presently before it until the ruling on the neutrality of the inquest has been handed down and items (a) and (b) above are accomplished.

**Mr. W. Newman:** My Chairman, I would like to add "subject to the approval of the Legislature."

**Mr. Chairman:** Well, I think it has to go there. I have to report it to the House, as I understand it, and the House rules on it.

**Mr. Foulds:** Are you saying that would be automatic, Mr. Chairman?

**Mr. Chairman:** That's right.

**Mr. Conway:** I must say I have a problem with (c). I want your guidance on it, Mr. Chairman, and a ruling if possible. As I read the substance of (c), I read it to be essentially the essence of the motion of the member for Durham-York (Mr. W. Newman). The member for Durham-York moved a motion that I remember as being essentially the basis of (c).

I would like a ruling on that, Mr. Chairman, because it is my understanding that our rules are such that, if a motion is lost, it is lost and you can't vote a second time on it. Could you give me some guidance, Mr. Chairman, because I read (c) to be essentially the same motion as that which was lost by a vote of eight to seven, a motion put by the member for Durham-York. Can you give me a ruling on that, Mr. Chairman?

**Mr. Chairman:** I haven't got the motion right before me.

**Mr. J. A. Taylor:** Do you have Mr. Newman's motion?

**Mr. Chairman:** Mr. Newman's motion is his: "That the committee adjourn its consideration of the annual report of the Ministry of Natural Resources for 1978-79 until a decision of the divisional court on the application for judicial review by Messrs. Reid and Spurgeon relating to the coroner's inquest into the prescribed burn near Nakina is rendered.

**Mr. Conway:** That reading exactly rings true with me, and that is essentially, as I see

it, the essence of (c) in Mr. Fould's motion. I am wondering, Mr. Chairman if you might get the assistance of the Clerk of the House, if this particular ruling gives you any trouble, because I feel very strongly that it is a duplication of Mr. Newman's motion.

**Mr. Foulds:** On that point of order, Mr. Chairman, and for the guidance of yourself and the Clerk if it is necessary: I quite deliberately worded part (c) this way in the hope that it would obviate the very real difficulty that you bring up. If you will recall the original motion, the substantive part, and if you read the first phrase or two again, Mr. Chairman, I think you will see the difference.

**Mr. Conway:** Do we have a copy of Mr. Newman's motion? Can we have a copy made? It might assist in the discussion. I think it is useful to have copies while we discuss it.

**Mr. Conway:** Mr. Chairman, are we in recess while copies are being made?

**Mr. Chairman:** Yes.

9:50 p.m.

The committee recessed at 9:50 p.m. and resumed at 9:58 p.m.

On resumption:

**Mr. Chairman:** The meeting will come to order.

**Mr. Foulds:** As we adjourned, Mr. Chairman, I was about to state my point of order with regard to clause (c) of the motion. I would like to speak to that point of order, but should the motion be decided to be in order I would like to speak to the whole motion subsequently.

First of all, the main thrust of the motion is outlined in clauses (a) and (b), that is, the hiring of legal counsel and the establishment of a work plan for the committee. Item (c) is a timing portion of that motion. I submit that it is substantially different to the motion put forward to us by Mr. Newman because it is also dependent upon us carrying out the responsibilities outlined in clauses (a) and (b).

In other words, it is far more far-reaching than the straightforward and simple motion put forward by Mr. Newman. That would be my submission on clause (c). I think there is a substantial difference between the word "adjourn" and the word "defer."

**Mr. Eaton:** I would comment on that too, Mr. Chairman. In this instance, we're just deferring this matter. We're not really stopping the report of the Ministry of Natural Resources from going on. In other words, we could discuss the report and several



other items under that report. Is is just simply deferring this one item.

10 p.m.

**Mr. Bolan:** If I could speak to the point of order, I would like to deal first of all with the original motion which was passed by this committee, back on April 1, that this committee take up as its first order of business, and as a matter of priority, the 1979 annual report of the Ministry of Natural Resources for the purpose of inquiring into the performance by the minister and his officials of their responsibilities with respect to the Nakina fire.

The motion presented by Mr. Newman, when you strip away the verbiage, is that we adjourn our consideration of what we are doing—

**Mr. Wildman:** Of the ministry's report.

**Mr. Bolan:** But the ministry's report is for the purpose of inquiring into the performance of the minister and the ministry. When you get down to the bare words, Mr. Newman's motion is a motion to adjourn whatever consideration we are giving in this committee, until such time as the divisional court has rendered a decision on the application for judicial review. That is my understanding of his motion, which was defeated.

Paragraph (c) of Mr. Foulds' motion is to defer—I infer that defer means adjourn or put off or hold over—further consideration—consideration is the word used in Mr. Newman's motion, which was defeated—of the matter presently before the committee until the ruling on the neutrality of the inquest—presumably that can only be dealing with the application before the Supreme Court—has been handed down.

What is the difference between Mr. Newman's motion, which was defeated, to adjourn the consideration of all proceedings until the Supreme Court has given a decision on the application before it, and paragraph (c), which is to defer, consideration—the same word used in the motion which was defeated—of the matter presently before us, which is the matter under consideration—until the ruling on the neutrality of the inquest?

I can only infer that what Mr. Foulds means by the words "until a ruling on the neutrality of the inquest has been handed down" is in fact the hearing before the Supreme Court.

**Mr. J. A. Taylor:** You have omitted two other items. One condition is the disposition of that particular application before the court, and another is the engagement of

counsel before it is dealt with. Also a steering committee is to be appointed to determine the detailed plan of work in conjunction with that legal counsel.

Paragraph (c) includes those two other conditions. They are not separable from the court. It is not only the disposition of the court matter. It is also conditional on the hiring of counsel and the working out of a plan of attack in connection with this particular hearing.

**Mr. Bolan:** If I may respond to Mr. Taylor, paragraphs (a) and (b) speak for themselves—

**Mr. J. A. Taylor:** Paragraph (c) speaks for itself.

**Mr. Bolan:**—and they are redundant when they follow the first portion of paragraph (c). The first portion of paragraph (c) is to put over whatever consideration this committee is giving until the ruling on the neutrality of the inquest has been announced, period. That is the germane part of (c); that is what (c) is all about.

**Mr. J. A. Taylor:** That's only one of the points.

**Mr. Bolan:** Parts (a) and (b) are redundant, because they are already in (a) and (b) above. I am not quarrelling with (a) and (b) right now; I am just quarrelling with (c).

**Mr. J. A. Taylor:** No, no, it is not.

**Mr. Bolan:** I am saying that (c) is out of order.

**Mr. J. A. Taylor:** No, no, because there is no timing.

**Mr. Bolan:** Parts (a) and (b) are acceptable to us.

**Mr. J. A. Taylor:** All right. But (a) and (b) as enumerated are different from the implications of (a) and (b) in (c), because in (c) a certain timing is implicit and that timing is after the inquest. That is in conjunction with the court application in regard to the inquest being disposed of. Also, you have to have legal counsel and you have to have a steering committee.

**Mr. G. I. Miller:** It doesn't stand alone in any case.

**Mr. J. A. Taylor:** You can't separate it.

**Mr. Chairman:** Mr. Kerr, you are the third legal counsel. Give us your neutral opinion.

**Mr. Kerr:** Mr. Chairman, I agree, first of all, with what Mr. Foulds and Mr. Taylor have said. I think it is important to realize that the motion of Mr. Newman was a motion to adjourn, and the rules of procedure under committees say when such motion is defeated no other such motion shall be made

unless some intermediate proceeding has taken place.

I don't think the motion moved by Mr. Foulds is such a motion. I think this is a motion to engage legal counsel and, once counsel has been engaged, to meet with the steering committee of this committee, to develop a detailed plan and (c), as has been said, the timing of consideration after these two points have been carried out.

In substance, Mr. Foulds' motion is not a motion to adjourn, and I think it was mentioned by somebody that Mr. Newman's motion is that no further discussion of the Ministry of Natural Resources annual report be considered and the committee be adjourned with respect to any such discussions, whereas here we are talking about a particular item.

Mr. Conway: Mr. Chairman, I respectfully submit that a motion to adjourn, subject to certain conditions, and a motion to defer are practically and substantively one and the same thing. That is my view and my reading of the Newman-Foulds resolution, the (c) part of the Foulds resolution in particular.

But I did ask you, sir, in your capacity as Chair of this matter, to make a ruling in conjunction with the Clerk of the House on this very technical matter, which concerns me a great deal. Quite frankly, I say it most directly, if the gag rule is going to be applied to this committee, however subtly, I want to know that it is legal.

Mr. Chairman: Mr. Mackenzie, you have been pretty neutral. We would like to get a ruling.

Mr. Foulds: That was unkind in connection with Mr. Mackenzie.

Mr. Mackenzie: Mr. Chairman, I don't pretend to know what the legal definition may be of the first as against the (c) part of the motion that my colleague has moved. In terms of this particular subject, I am obviously a new member of the committee, but I do know we are dealing with a very serious matter. I do know we are not getting answers. I am not sure it is always the fault of the ministry people, and I can obviously see that there is a real concern over what kind of a legal position they are in and others are

I also think what I have seen here tonight makes this committee nothing more than a body circus, and I don't think we are going to get a serious look at the problem, the serious look we should have at the problem, until we resolve or set out the ground rules. For that reason I would support my colleague's motion.

10:10 p.m.

Mr. Chairman: After hearing all sides on item (c), the clerk of the committee claims that one is to defer and the other is to adjourn; so there are two different interpretations.

As far as (a) and (b) are concerned, I think they are important to the framing of item (c). You have every right to challenge my ruling but, having heard all sides of it, I would say Mr. Foulds' motion is in order.

Mr. Conway: Mr. Chairman, I feel so strongly about it I would like to challenge your ruling, if only because I would like to have the advice of the Clerk of the House.

Mr. Kerr: Mr. Richardson is Clerk Assistant.

Mr. Conway: I said the Clerk of the House; not the First Clerk Assistant or whatever. That is my entitlement; so, regrettable as it is, I challenge the ruling.

Mr. Eaton: I would just draw the attention of the chairman to the inconsistency of the Liberal position, because I well recall what took place on the Babcock and Wilcox discussion when you made a motion and then you came back and changed it slightly and it was ruled in your favour.

Mr. Chairman: I understand this is not debatable. We will take a vote on my ruling.

All those in favour of the chairman's ruling will please raise their hands.

Those opposed?

The chairman's ruling is upheld.

Mr. Foulds: Mr. Chairman, I would like to speak to that, if I might, because I resent more than I can say the cheap political tactics the members of the Liberal Party have just engaged in with the accusation of a gag rule.

Mr. Bolan: What would you call it, then?

Mr. Foulds: Just listen for a while. Button your lip and listen for a while, for once, instead of using your cheap lawyer's theatrical tricks in here.

Mr. Riddell: Get off your high horse.

Mr. Mackenzie: If you could speak for yourself instead of Greer feeding you notes you might get somewhere in your caucus.

Mr. Foulds: It is obvious in the four days we have discussed this matter that we have before us a matter of considerable complexity and one which is, for me personally, one of the most difficult things I have ever had to deal with as a legislator.

I went home on the weekend after Mr. Auld and Mr. McMurtry tabled their material, and I read through all of it. As an objective,



outside observer I have never been through a more wrenching experience. It must have been wrenching not only for the families involved, but also for the ministry personnel involved.

As a politician I feel there are certain rules of fair play that need to be engaged in. There are certain things we as legislators have to do. One of them is to find out the truth in so far as that is possible, and one is to play by rules which do not demean the profession of politician. I think we have seen some people playing by rules that demean the profession of politician.

Nobody in this House, if I may be immodest, has been more tough and relentless than I have been in pursuing the minister and his policies when I thought they were in error. I will continue to do that on this matter. But if we are going to do this on this matter, we need to do it in an atmosphere that has dignity and has solid legal opinion behind it that is neutral, that is all legal opinion. We don't back off simply because the ministry and the ministry's lawyer say we should back off. We need to have some weight on our side.

I, for one, have a number of questions I would like to raise with regard to PB-3 in Geraldton district. I would like to get into those in some detail. I would like to get into those in some detail when they are in contradiction to the Ontario Provincial Police investigation which is in the confidential report put together by the criminal investigation branch of the OPP for the crown counsel.

When we are getting into those, I would like to make sure that as a legislator I am not contaminating the legal processes that this Legislature has set up, whether they be the Supreme Court of Ontario or the coroner's inquest.

I resent more than I can say the allegations made in the last few minutes by the members of the Liberal Party, because I will do everything I can to defeat the Tory government. It is my responsibility, as the spokesman for the New Democratic Party in the matter of natural resources, to find whatever weaknesses I can in the administration of that ministry and in the carrying out of its responsibilities. But I want to do that in a thorough and honest and complete way. We have not been able to do that in the last four days before this committee. We have not been able to do it for a whole host of reasons that I need not go into.

I submit to you, Mr. Chairman, that not only is my motion in order, but it is the only one that makes sense if this committee is to carry out its responsibilities into investigating

the matter that was referred to it by Mr. Bolan's original motion when we met.

Mr. Conway: Mr. Chairman, on the motion which has been ruled in order I would now move an amendment.

Mr. Chairman: Mr. Conway moves that the motion be amended by striking article (c).

Mr. Conway: Speaking to my own motion, if I may, I appreciate the points made by the member for Port Arthur (Mr. Foulds). I have, with one exception, sat through all the deliberations of this particular inquiry. I maintain now, as I have throughout, that we have an obligation and a responsibility and a place to proceed with an examination, as the reference agreed to some days ago directed us to. I obviously differ from certain members present about the role of the sub judice convention as it relates to our abilities to do or not to do certain things.

I feel equally strongly about that. As I said, I do not come here to shirk in any way the responsibilities as I see them, and to that end I feel that article (c) of Mr. Foulds' resolution is untimely and stands in the way of prosecution of the responsibilities that I have. That is my point of view, and that is why I have moved that article (c) of Mr. Foulds' motion, which you ruled in order, be struck.

Mr. Wildman: Mr. Chairman, speaking briefly to the amendment, I can't agree with the amendment for the obvious reason that it is central to the plan of action which is proposed in the motion.

Over the last three or four days we have experienced long procedural wrangles which have got us absolutely nowhere. We have been arguing over sub judice from time to time. We keep coming up against it and we have had to back off. We have, I think unfortunately, been presented with a situation where it has been very difficult to get information either because the ministry officials haven't had it, haven't been able to give it to us or were unwilling to give it to us, or perhaps because of the unfortunate lack of ability that myself and other members of the committee may have had in terms of legal understanding or perhaps lack of ability in cross-examination.

10:20 p.m.

If we were to strike (c) I think we would continue in the same wrangle over procedure over whether something is sub judice or no. Even if we were to accept the first two paragraphs of the motion and had legal counsel and had developed a detailed plan, as long as the questions are before the court and the que-



tion of the neutrality of the inquest is not settled we will continue these procedural wrangles and the whole matter will be dealt with in an atmosphere of a circus, which I think it has been over the last couple of days, and it would just lead to more heartache for the families and be just a waste of time.

**Mr. J. Johnson:** Mr. Chairman, several days ago when we started these hearings I mentioned that I was concerned about the lack of expertise in this committee to deal with this subject matter and that we did need legal counsel. We finally recognize that. I think we are dealing with an extremely emotional and tragic issue, and I think it is time we started to deal with it in the sense of importance that it should have, and try to stay away from the political arena.

I want to commend Mr. Foulds for his comments, with the exception of one remark that he made pertaining to the downfall of the Tories. I fully support the rest of his presentation, and I do so with the respect and appreciation of the concern that he has for the issue in front of us. I hope the rest of the members of this committee will share his compassion and concern for the rest of the hearings when we start into them after the coroner's inquest.

**Mr. Bolan:** If I might speak to the amendment, I might say that when this committee first met on April 1 we set about to look into the conduct of the minister and the ministry with respect to the tragedy which had happened back on August 22.

I might remind Mr. Foulds, as well as the minister and other members of the committee, that when we were doing the estimates of the Ministry of Natural Resources towards the end of November and in the beginning of December we purposely did not ask the minister any questions relating to this, because we were very much concerned with what had taken place and we were very much concerned with what was going on.

We had, just like Mr. Foulds had, inside information that the report which was prepared by the board of review was a rather damning report in so far as what had taken place on August 22. There were some general recommendations made and it was a no-holds-barred report which was, if I can use the word, critical of the way certain things were done.

I am bringing this to the attention of the members of the committee to point out that, although the estimates of the Ministry of Natural Resources would have been the proper forum for us to embark upon questions relating to the incident, we purposely refrained from doing so. I remember speak-

ing to Mr. Foulds about it, because I was preparing a motion that would have set aside some time to discuss this matter.

However, on reconsideration and on discussing the whole matter with Mr. Foulds, we did not want to appear and we did not want to present ourselves as political opportunists. Because the events which had happened were so serious and because of the inquest which was going on, we felt it incumbent upon us as members of the Legislature not to get involved in it.

As far as requests (a) and (b) are concerned, we discussed—

**Mr. Eaton:** You are supposed to be speaking to the amendment, which was section (c).

**Mr. Bolan:** Yes, I realize that. However, in speaking on the amendment I can speak on the whole motion, because section (c) of the motion, the part which is under amendment by Mr. Conway, deals with (a) and (b), and as such, I can talk about (a) and (b).

You may recall that on April 8 there was some preliminary discussion on the question of whether we would retain legal counsel. I believe it was April 8, but it really doesn't matter. I felt at that time we had a fairly good idea of the areas we intended to explore, and to me those areas were quite clearly defined in the original motion which was passed by this committee and which set this out.

Basically, as I have said several times, it was to inquire into the performance by the minister and his officials. We, as informed legislators—and that expression has been used tonight by someone else in the committee when we were suggesting that each party would have assistance in our deliberations here—myself and other members of the committee, felt we need not engage legal counsel at that time because the areas to be explored were quite clear and were areas we could zero in on.

What has occurred since then is that a mass of documentation has been supplied to us, and we are expecting another mass of documentation in the form of the transcript of the inquest which is going on. I believe, Mr. Brown, you indicated to us there would be a copy of the transcript of the inquest available to each party.

10:30 p.m.

In view of the fact that we will be faced with the transcript of the inquest, and in view of the fact that we have this additional information which has been presented to us, and looking closer at the problems which are

presenting themselves with respect to the sub judice rule and the interpretation of it, it would appear that we now have reached the point in the proceedings where we would consent to (a) and (b). However, I feel that by acquiescing, or by allowing the motion to go through as presented, it would put another lengthy delay on the committee work.

I might indicate to you that the Supreme Court of Ontario has indicated that it may be ready to hear the judicial review hearing by the end of June. They expect all the transcripts from the inquest to be ready by about May 20. Then, of course, everything will have to be presented to the court, and they will have to plough through some 16 volumes, or a large number of pages of transcript. That is the information I have.

**Mr. Brown:** Do you mind if I intervene here? When it became apparent that we weren't going to have the transcript, it was also apparent that we were not going to be able to proceed today, which was the day we had undertaken to—

**Mr. Bolan:** That's right.

**Mr. Brown:** I made a request of the court, since we weren't going to be able to proceed because of the lack of the full transcript, to get a new date with the full court as opposed to the one judge who would have heard it today, and a longer period of time, because we thought it was probably going to extend beyond one day. What the court has advised me, and I take it it is the Chief Justice who has advised this, is that should we be able to perfect it—and that means that all the argument be in and the transcripts be filed with the court—by May 20, then we will be given a date in June.

I might advise you that my understanding is that the transcript has been completed. It hasn't been delivered, but I spoke with the special examiner on Tuesday and he indicated to me it had been completed.

**Mr. Bolan:** Is this being transcribed in Thunder Bay?

**Mr. Brown:** Yes.

**Mr. Foulds:** They can transcribe in Thunder Bay. They have very good court reporters there.

**Mr. Bolan:** Usually on something like this they would bring in a special examiner from Toronto.

**Mr. Brown:** Mr. Castonguay might take exception with that. In any event, he is the gentleman who is the special examiner in Thunder Bay, and he advised me that he has the transcript finished up to the last day of the inquest. I would expect that we should

have no trouble in meeting the May 20 date for the purposes of perfecting the matter and, therefore, should be able to have it heard by the full court in June. That is my understanding.

**Mr. Bolan:** Continuing with my speaking on the amendment—

**Mr. Chairman:** Has the committee decided it will go beyond 10:30 and finish this?

**Mr. Conway:** I am wondering about that as well, Mr. Chairman. I don't believe we have—

**Mr. J. A. Taylor:** You should have wondered about that before. Is that why you have been talking so long?

**Mr. Conway:** If I might speak to the chairman's point, because I'm becoming very sensitive to abide by all the rules, lest my colleagues from Prince Edward-Lennox (Mr. J. A. Taylor) and Durham-York (Mr. W. Newman) be upset that we are running in the face of some judicial or some parliamentary convention—

**Mr. Wildman:** That's exactly the problem you've been wrangling all the time.

**Mr. Conway:** I just want to get some direction. I was not the first one to raise the spectre about rules and regulations; so those who have enjoined me to do so must bear with me now that they have my attention.

I respectfully submit to you, Mr. Chairman, that the standing orders, by means of which we govern ourselves, say, under 1(a): "The proceedings of the Legislative Assembly of Ontario, and in all committees of the assembly, shall be conducted according to the following standing orders."

**Mr. Mackenzie:** We can go to the next meeting, Sean.

**Mr. Conway:** I want to discuss matters. I don't wish to rush unduly into things.

In 3(a) those same standing orders say: "Except as provided in clause (b), and in standing order 28, on any Monday, Tuesday, Wednesday or Thursday, if the business of the day is not concluded at 6 o'clock p.m., the Speaker shall leave the chair until 8 o'clock p.m. and the House shall continue to sit until 10:30 o'clock p.m., when it shall adjourn without motion."

Then it says in 3(b): "The House may sit beyond 10:30 p.m. on the passage of a government motion for that purpose but such government motion shall not pass if 20 members stand in their places."

I recognize tonight is a late show in the House—the bells have not yet rung—and I have a further comment of some length to

make on my amendment. I wanted to take this opportunity, since Mr. Chairman raised it—

**Mr. J. A. Taylor:** We know you have been filibustering. It has been obvious to everyone. Let's not play games. Put the motion.

**Mr. Chairman:** I am going to put the motion. I think I have been fair in allowing people to speak on this. You have all heard Mr. Conway's amendment.

All those in favour, please—

**Mr. Conway:** You are not going to give me a ruling, Mr. Chairman, on the matter of—

**Mr. Chairman:** No. I think we discussed it long enough. I sense what is going on as well. Therefore, I am going to put the amendment before the committee to vote on.

All those in favour?

**Mr. Riddell:** You're not going to give me a chance to speak? I have been quiet all night.

**Mr. Chairman:** I'm sorry, Jack. But, after all, when you have newspaper reporters looking at the clock and signalling, I would like to say to you, sir, if you want to give advice, stay up where Mr. Greer is and then we will know who you are representing.

All those in favour of the amendment, please show their intentions by holding up their hands.

All those opposed?

The amendment is lost.

**Mr. Foulds:** I think your comment with regard to the press was unwarranted.

**Mr. Chairman:** I will tell you, frankly, I observed them looking up here and looking at the clock and signalling—

**Mr. Foulds:** I think it is a very difficult thing, Mr. Chairman, for a chairman to interpret in such a blatant way the actions of any member of the committee or of the audience, without them being explicitly expressed.

**Mr. Chairman:** Well, my friend, what I see, I am sure of, and I speak of what I saw.

Interjections.

**Mr. Chairman:** On the main motion, all those in favour?

I declare the motion carried.

I understand the clerk will have to draw up a report. The motion is carried, and I will have to report this to the House.

**Mr. Foulds:** Would it not make sense for the committee to carry on its ordinary business on Wednesday morning next, with the Ministry of Energy estimates?

**Mr. Chairman:** That's normal.

Interjections.

**Mr. Chairman:** I have to be guided by the House leaders.

The committee adjourned at 10:39 p.m.



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**SPEAKERS IN THIS ISSUE**

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Auld, Hon. J. A. C.; Minister of Natural Resources (Leeds PC)

Bolan, M. (Nipissing L)

Conway, S. (Renfrew North L)

Di Santo, O. (Downsview NDP)

Eaton, R. G. (Middlesex PC)

Foulds, J. F. (Port Arthur NDP)

Johnson, J. (Wellington-Dufferin-Peel PC)

Kerr, G. A. (Burlington South PC)

Mackenzie, R. (Hamilton East NDP)

Miller, G. I. (Haldimand-Norfolk L)

Newman, W. (Durham-York PC)

Riddell, J. K. (Huron-Middlesex L)

Taylor, J. A. (Prince Edward-Lennox PC)

Villeneuve, O. F.; Chairman (Stormont-Dundas-Glengarry PC)

Wildman, B. (Algoma NDP)

**From the Ministry of Natural Resources:**

Brown, D., Counsel

Little, B., Fire Management Education Officer

Ringham, L., Assistant Deputy Minister of Northern Ontario



No. R-7

# Legislature of Ontario Debates

## Official Report (Hansard)

**Standing Committee on Resources Development**  
Estimates, Ministry of Energy

**Fourth Session, 31st Parliament**

Wednesday, April 23, 1980

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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# LEGISLATURE OF ONTARIO

## STANDING COMMITTEE ON RESOURCES DEVELOPMENT

WEDNESDAY, APRIL 23, 1980

The committee met at 10:05 in committee room No. 2.

### ESTIMATES, MINISTRY OF ENERGY (continued)

**Mr. Chairman:** I see all parties are represented. When we carried vote 2002, we agreed that Ms. Gigantes and Mr. Reed wanted to say something on items 3 and 4. If you want to start off, we can give you an opportunity to discuss that.

**Hon. Mr. Welch:** Mr. Chairman, it was my understanding that items 3 and 4 would be discussed at the time Hydro was here—

**Mr. Chairman:** That was what Julian Reed wanted. Okay.

**Hon. Mr. Welch:** The honourable member wanted to make sure he could make some reference to items 3 and 4 at that time, although the vote has been carried.

**Mr. Chairman:** Yes. As long as it is agreed, it is quite all right.

On vote 2003, renewable energy program:

**Ms. Gigantes:** First of all, I would like to ask, Mr. Chairman, this being April 23, whether we have any closing figures for the fiscal year 1979-80?

**Hon. Mr. Welch:** Apparently they are not completed yet. In our bookkeeping we are waiting for other ministries to share with us their journal entries, because they have the responsibility of delivering some of these programs. We are still waiting for some of that information. That is my understanding.

**Ms. Gigantes:** Do we have any preliminary indication of how much of the budgets from the allocations last year for renewable energy have been spent during this past year?

**Hon. Mr. Welch:** It would be difficult for us at this time to give you any indication without these figures, but as soon as they are available we will share them with you.

**Ms. Gigantes:** I would like to ask the minister what has happened with the \$58-

million, five-year federal/provincial program of sharing costs on renewable energy? I understand there has been an appointment to that program in terms of an administrative person, and I would like to know how the ministry separates out the expenditures that would be made under that program from any other expenditures.

For example, do the estimates that we are dealing with under the renewable energy program for the current fiscal year include expenditures that will be funded out of that joint federal/provincial program?

10:10 a.m.

**Hon. Mr. Welch:** Yes, I know it is a shared program. Perhaps I will have the deputy show you how we have broken down those two items as far as this is concerned.

**Mr. Rowan:** Thank you, Mr. Minister. Mr. Chairman, as was announced some time ago, there is a Canada-Ontario bilateral agreement for the demonstration of energy conservation and renewable energy technologies in the amount of \$58 million. That is \$29 million for each government over a five-year period. If the members like, we have a slide that identifies the breakout of this program. We would be very happy to show it to the members.

**Ms. Gigantes:** Is it a complicated slide?

**Mr. Rowan:** I do not think so.

**Ms. Gigantes:** I wonder if you could just mimeograph it?

**Mr. Rowan:** We can have copies made, but it would take some time.

**Ms. Gigantes:** That is fine. We can get it later and discuss the contents of the slide now.

**Mr. Rowan:** The objectives of the program are, first, to develop and demonstrate promising technologies which use renewable energy resources, conserve energy, or make its use more efficient; second, to develop a broad public awareness of the potential of renewable energy and conser-

vation technologies; and third, to create employment in new or existing industries.

The background to this program and the way in which it is being implemented is as follows: prime responsibility for effecting results through the implementation of the bilateral program rests with the province, and specifically with the Ministry of Energy.

Ontario's overall program in these two areas of conservation and renewable energy will continue to be based on the province's energy policies and objectives. The program itself is administered within the ministry by the conservation and renewable energy group, but there is close consultation and discussion with other ministries, agencies and the private sector.

The emphasis of the bilateral agreement is on projects which are demonstration-oriented and are viewed as leading to eventual commercialization of that technology.

**Ms. Gigantes:** Is that set out in the agreement or is it the way the ministry has decided?

**Mr. Rowan:** That is set out in the agreement with the federal government. There is heavy involvement of third parties. We are hoping and expecting that third parties will come forward with suggestions as to the types of projects which should be initiated. We see the private sector playing a very active role in the program-planning process and demonstrating a commitment to the projects by sharing the costs.

As I indicated earlier, the total funding for the program is \$58 million. The federal Department of Energy, Mines and Resources has indicated flexibility in apportioning the amounts to specific fiscal years so that unspent funds are not necessarily lost. There is no fixed amount being allocated for any particular fiscal year, although they obviously are planning set targets. If those targets are not met for one reason or another, the money is not lost to the program in subsequent years.

**Ms. Gigantes:** Do they give you a certain amount of money each year to put in a bank account, or do you draw on it as you see the project developing?

**Mr. Rowan:** They will not give us the money in advance to put in the bank. There is a process of approval and, as I indicated, this slide is designed to show that process, and the linkage between our ministry, other ministries in the Ontario government and the federal government.

**Ms. Gigantes:** Does the federal government approve each and every project as the moneys are allocated for it?

**Mr. Rowan:** Yes. There is a process of discussion and consultation whereby there is agreement that particular projects would be undertaken. The budget for each fiscal year is subject to approval by both governments.

**Ms. Gigantes:** What was the starting date on the agreement? Did it start when it was announced?

**Mr. Rowan:** The program started when it was announced, but it was clear from the beginning that there would be a period of organization and sorting out of the relationships between the province and the federal government. Ours was one of the first bilateral agreements between the federal government and any province.

As a matter of fact, I think the agreement we developed with the federal government is a model for other provinces. We spent a lot of time with the federal government in developing the terms of reference, the ground rules, and this has enabled the federal government to come to subsequent agreements with other provinces.

**Ms. Gigantes:** That work was done before June 18, 1979?

**Mr. Rowan:** Only in part, but certainly in terms of the broad framework of the agreement. Following that, there needed to be put in place more detailed relationships with respect to how projects are approved and the general working relationship between the conservation and renewable energy group within the Ministry of Energy and its counterpart in the Department of Energy, Mines and Resources. That has taken a fair amount of time.

**Ms. Gigantes:** Is it the energy conservation group at the federal level? I've forgotten the exact name of it.

**Mr. Rowan:** I'm trying to find the exact name, but it is the conservation group in Energy, Mines and Resources that has primary responsibility.

**Ms. Gigantes:** Will that change if and when the federal government develops a renewable energy corporation? Do you expect any change in the framework under which the agreement will operate?

**Mr. Rowan:** That is an interesting question. We have tried to find out from the federal government just how the alternative energy corporation subsidiary of Petrocan will be set up. There was some suggestion that perhaps many of the programs that Energy, Mines and Resources had in the renewable energy area particularly would be transferred to the alternative energy cor-

poration en masse, including all of the grant programs.

Another viewpoint—and I think it's the one which Petrocan holds—is that it would not be a good idea to transfer these grant programs, these research and development programs, to the alternative energy corporation, but rather the alternative energy corporation should focus its attention more on the area of taking technology and turning it into a commercial opportunity.

I can't tell you how the federal government in concert with Petrocan will ultimately decide. I feel, however, at this time the chances are that this bilateral agreement will remain with Energy, Mines and Resources and will not be transferred.

10:20 a.m.

**Ms. Gigantes:** The difference you are describing is essentially one of the level of government involvement in the commercialization process. You are suggesting that Petrocan has an interest in seeing the government involved in such commercial projects.

**Mr. Rowan:** That is correct. I think if you visualize it as a spectrum that would run all the way from applied basic research through development demonstration and then commercial application. I would think the alternative energy corporation, as a subsidiary of Petrocan, will be at the commercial end of that spectrum rather than at the research and development end. That is just based upon discussions we have had to date, but who knows what the ultimate decision will be?

The importance of planning and co-ordination in projects involving energy conservation and/or renewable energy is shown by the magnitude of the funds required to commercialize projects, regardless of whether they qualify for funding under the bilateral agreement. For example, the possible district heating project involving the R. L. Hearn Generating Station could qualify for \$10 million of funding in the 1983-84 period.

I should advise that the ministry and Hydro have just entered into an agreement at the last little while for Hydro to look at the potential of the R. L. Hearn plant to convert municipal solid waste or garbage into heat as a possible source of heat for the district heating plant. The cost of feasibility studies and engineering design services for a commercially viable project could approximate \$2 million to \$3 million for that plant.

Dealing with the progress of the agreement during the fiscal year 1979-80, as you know the agreement was signed on May 16, 1979, or the fiscal year ending March 31, 1980.

Ten projects totalling in excess of \$1 million were submitted for approval, but the main emphasis, as I indicated earlier, has concentrated on developing a plan for organizing and administering an agreement within the conservation and renewable energy group of the ministry and between the CARE group and the federal government.

**Ms. Gigantes:** You have just hired staff to co-ordinate that.

**Mr. Rowan:** That is correct. We have just hired a bilateral agreement co-ordinator to take that process which has been established, the process of dealing with other ministries, the private sector and with the federal government, and then getting approval with the federal government for not only these 10 projects which have already been submitted for approval, but also to deal with the private sector to get additional suggestions for projects to be financed under this bilateral agreement.

**Ms. Gigantes:** Mr. Chairman, this leads me directly to the question I asked earlier, which is, how much of the allocations in the current fiscal year that we see under renewable energy programs to start with, will be associated with allocations coming from the federal-provincial agreement?

**Hon. Mr. Welch:** I will just ask the question another way so we understand. The estimates now call for over \$6 million for renewable energy development—we'll talk about \$7 million. How much of that \$7 million do we hope to recover under the joint agreement?

**Mr. Rowan:** That really is a function of the types of programs or projects which are agreed upon with the federal government so a precise number isn't possible. What is possible, I think—

**Ms. Gigantes:** What does the Treasurer (Mr. F. S. Miller) say to you? Does he ask you how much of this \$7 million you are going to spend this year in renewable energy, are you going to be able to recoup from the federal-provincial agreement?

**Mr. Rowan:** You might want to look at it another way. Rather than seeing this \$7 million or \$6.1 million, of energy development money being recouped, I like to see the bilateral agreement as an opportunity for the province to add to that amount. In other words, it gives us leverage.

**Ms. Gigantes:** When you say to the Treasurer, "We want \$6.199 million for renewable energy development in 1980-81," you consider that once he says "Okay, you can have that," that's money that comes from Ontario



sources—period—and that whatever you do on top of that is going to come out of the federal-provincial agreement?

Mr. Rowan: Keep in mind the way in which the bilateral agreement is structured. It is a 50-50 sharing, so if we are able to get the federal government to agree that a particular project should be financed 50 per cent by Ontario and 50 per cent by the federal government, that means there is more money in our own estimates which is available for something else. We see the bilateral agreement as an opportunity to expand our efforts in the renewable area.

Ms. Gigantes: I could at this point say—somebody who sits down to try and review seriously the accounts that are proposed for this fiscal year—the kinds of itemization that are available to us at this stage are really totally inadequate. There is no way we can make any assessment, from the documentation we have received so far, of what is happening in particular programs, or of what the provincial allocations for those programs during the current fiscal year are likely to be. We just don't have any overall documentation on, for example, the progress in a program or project from last year to this year or how much money was spent last year.

I leave aside the problem that we don't have the accounts from last year—that's understandable—but we have never had from this ministry an adequate accounting, a followable accounting for the purposes of fiscal review of what moneys are going into what projects. The added complication is going to arise from the point of view, I am sure, of you, of the Treasurer of Ontario and certainly of us sitting as opposition interested parties, of where the money is coming from and where it is going.

I am wondering if there isn't a better way of developing these accounts so that when we hit the next fiscal year—perhaps even before that, if the minister can find his way through the bureaucracy to get stuff whipped into digestible shape—we could have an overall accounting. What we are left with, for example, in the renewable energy section of the ministry program, is whole bits or scraps of ministerial statements in the House, press releases, speeches by the minister made here and there, and by the deputy minister, or a director of this or that program.

From a fiscal accounting point of view, the other day I listened to the outgoing federal auditor general talking about how very little parliamentarians are able to exercise any kind of appropriate financial review of government programs. I think the problem he described

at the federal level is exactly the same kind of problem we face here. I have never looked at the federal accounts in great detail, but I have never seen a ministry that got away with as little information about specific kinds of programs as this one.

One can forgive this kind of operation for two or three years while the ministry is getting immersed in a renewable energy program or a conservation program of some effort, but we have now had several years of these kinds of poetic overviews with no reasonable way of discussing what has been happening in a particular fiscal year, or the intent for the current one or the next one.

10:30 a.m.

The kind of background we get in the ministry estimates—pages 32, 33, 34, and 35, which cover the renewable energy program—is the setting out of goals we have heard enunciated before, in many cases in very vague terms. It must be difficult for the minister to get a grasp on these programs if the information he is getting is in this form. If he has better information and if he could collate it for us and provide it to us in a digestible manner, I think it would be enormously useful for the kinds of discussions we could have here.

Hon. Mr. Welch: I think the comments made by the honourable member are quite understandable. What we are really doing here in this exercise is considering the budget for the current fiscal year for the ministry, and we are asking for so much money for this particular program. The member asks: "What plans do you have generally with respect to the expenditure of this money? What will be some of the initiatives and where will be the emphasis?" Certainly, we can provide as best we can, even this morning with staff people who are charged with responsibilities in this area, an answer to where the general thrust will be.

The member will recall that in my opening statement—if it wasn't there, then certainly during the course of these estimates at some juncture—I myself felt there was some point in bringing together what was going on across the government in this whole area. By June, I would hope to have a booklet which we will call Ontario Energy or Energy Ontario, whichever it is going to be showing what is going on across government and perhaps including in that particular publication something of the detail the member has made reference to.

It is one thing to talk about our emphasis in solar and the program with respect to bio

mass and energy from waste and the remote power projects and so on. We can talk about some of those things quite properly under this vote today.

The member will also know in that connection that early in my tenure we did release the energy security paper. It has been our plan since that time to put some further flesh on that particular skeleton and to be more specific with respect to how we were going about attaining some of those particular goals and objectives as well. That will be part of this package.

I must say, I can understand. Although it appears to be piecemeal and almost ad hocery, I assure you there is some deliberate planning and development in so far as this is concerned. We will be glad to share with you this morning as much of the detail as you would like with respect to each of these votes.

**Ms. Gigantes:** Could I ask the minister if he considers the kind of information that was provided in the glossy booklet, *Energy From Waste, A Program for Ontario*, to be that kind of accounting? If he does, I am looking for something else. Again, what we have here in this publication, which makes fine reading for the general public in terms of the introduction to the subject—

**Hon. Mr. Welch:** I know what the member is asking and we have a full presentation available this morning in so far as the energy from waste program is concerned. It explains where we are going or where we would like to go. I say this quite sincerely, it is staff who would be encouraged if they could be given the opportunity to show it.

It would involve a 12 to 13-slide presentation of exactly what is going on in this ministry, under its leadership, and all the people we are dealing with in that particular area itself.

I can do the same thing with the solar program, with synthetic liquid fuels, or with respect to any number of programs, and I would like to.

**Ms. Gigantes:** Let me say if we have a slide show and we get, once more, a general sort of overview of the direction of government policy, the kinds of projects in which the government intends to take initiatives and so on, that is not going to take us any further in terms of understanding the financing and the kinds of fiscal commitments we are entering into here.

**Hon. Mr. Welch:** I think it does. That can be, and is, included.

**Ms. Gigantes:** Let me suggest to you then that if you have the material and it is

already to be put on slides, why the devil do we not get it on mimeographed sheets? Then we can actually sit down, study it, learn the kind of background that has gone into various allocations and ask questions of people who know something about particular kinds of programs, so that we can come in an informed manner and discuss what I call the nitty-gritty of these programs.

We are at the stage now where we are given glossy overviews in lovely publications that the minister holds luncheon meetings about and has press conferences over. We are told by the minister that his staff is offering a slide show that will put us in the picture in fiscal terms in regard to the amount of moneys which the ministry actually means to allocate, exactly how and on which programs. If that material is available, why do we not have it?

If you have had time to make up slides, why have you not had time to run off a decent mimeographed package so that people who are elected to come here and look at the fiscal allocations of this government have a chance to get their teeth into it?

**Hon. Mr. Welch:** We can surely run off copies of the slides and let the member look through them at her own leisure.

**Ms. Gigantes:** Why has that not been done?

**Hon. Mr. Welch:** I can tell you one reason it has not been done. If we did it for every program we have, the next thing you know we would be accused of trying to drown you in paper.

**Ms. Gigantes:** I am drowning in paper anyhow, but it is all press releases and speeches in which you extract a certain amount of information from your ongoing programs and dazzle whatever public you are speaking to that day.

**Hon. Mr. Welch:** I think it is part of my responsibility not to dazzle, but to share information.

**Ms. Gigantes:** Let me not cramp your style. I appreciate your style and I think the missionary work you are doing in this area is excellent. I give you full credit for it and you are getting full credit for it. Let us not quibble about that. That is not my point. My point is that it is useless for us as legislators to come and pretend to look at fiscal accounts.

We know, for example, what has happened with the federal programs in the renewable energy field over the last year and a half. It got to the point where those programs got so mired down in bureaucracy that was not capable of carrying the programs through

that finally there had to be a decisive effort at the federal level to cut through the red tape and get the money out to the solar firms they had tantalized with the possibility of grants. Finally, those grants are going to start flowing through to the solar energy industry—a lot of it in Ontario.

I have the sense we are wading through sinking sand here until we can get a good accounting. If it take 300 pages of paper, nobody is going to accuse you of burying us in paper or information, but when I have to wade through your speeches, given all over this province, the deputy's speeches, your glossy booklets and the statements in the House to try to piece together information about what is actually happening in a program, then I as a legislator am absolutely useless in representing the public concerns of constituents I represent or any other constituents in Ontario.

**Hon. Mr. Welch:** I understand what the member is pointing to and I appreciate the constructive nature of the comments. In keeping with the spirit of earlier comments, what you are really seeking is some standard by which you can satisfy yourself whether \$7 million is adequate to do some of the things we have in mind.

**Ms. Gigantes:** Whether it is getting spent and whether it is getting spent the right way.

**Hon. Mr. Welch:** I understand that, and we are prepared to share with you what we have in mind this year as far as solar energy, biomass and energy from waste and synthetic fuels are concerned. I can assure you there would have to be some considerable consideration along the lines you have mentioned in order to come up with some figure.

10:40 a.m.

As some of the members have been told, we have been able to secure some significant increases in this particular area, recognizing the priority which you want to attach to these two votes together. I am impressed, from my point of view, with the amount of work that is being done by a very few people—it is not a large staff at the moment—who, in fact, are not only attempting to, but giving some tremendous leadership in these areas in working with other ministries and working with the private sector.

Quite sincerely, I appreciate it is one thing for me to be impressed and have this information, but perhaps it is obviously necessary to be that much more specific in some of the material we are putting together. As far as the Energy Ontario book, which I hope to have ready in a couple of months, we would have that as part of this matter.

The comments that are being made are very relevant, because we are asking for the approval of certain amounts of money to do certain things and you want more information as to what those certain things are.

**Ms. Gigantes:** That is correct.

**Hon. Mr. Welch:** We are prepared to take some time this morning to share with you what we are going to do in some of these areas, if you would like to have that.

**Ms. Gigantes:** I would appreciate that.

**Hon. Mr. Welch:** I am not trying to promote the slide show. I am saying we are ready to do that.

**Ms. Gigantes:** Could I ask the minister, when we get Energy Ontario, will we have a project-by-project allocation of moneys? Will we have a project-by-project target? Will we have a project-by-project progress schedule? Will we have the kind of very basic information that we are lacking now when we sit down to look at these estimates?

**Hon. Mr. Welch:** Let me reflect upon the amount of detail that may be possible. I would think it would depend to some extent on matters over which I might not have control. I don't want to be saddled with detail if I cannot really feel comfortable with it.

**Ms. Gigantes:** That's fine. Let me say if Energy Ontario is going to be another glossy kind of overview of the government menu, terms of schedule of project targets, undefined in terms of allocations on a fiscal basis for investment in these programs, then we need something else. What I am asking for is something else. If you want to put out glossy publications and talk about the programs in poetic ways that's fine, I think that is a very useful thing for the public of Ontario. I think you are inspiring the public of Ontario and I thoroughly approve of the minister's efforts.

But, on the other hand, we also need very detailed kinds of performance targets, program objectives and annual schedules against which we can measure the effectiveness of the government efforts and a clear idea of the expected allocations on a fiscal basis projected. If you can't fit that into your next glossy publication, would you please try to get your ministry to lay it out for us in mimeographed form? You could have recycled paper, you could put it on tissue paper as far as I'm concerned. I would just like to have it.

**Hon. Mr. Welch:** If the member would leave it with me, I have those comments now and we will see how much we can accomplish with respect to that type of detail.



I would like to draw attention, in all fairness, to those who have done this work. The energy-from-waste pamphlet or booklet, certainly describes the program and brings people up to date with respect to the process. It has been seen by many as being a very helpful publication with respect to the procedures to be followed now in following up. Although there is no timetable, the whole book is filled with information which ultimately ends up by sharing with the world the steps to be taken with respect to identifying yourself with this particular project.

**Ms. Gigantes:** Mr. Chairman, I do not wish to get into a picky kind of criticism of the energy-from-waste program. If the minister is going to tempt me, I will. If he wants to go through this booklet and if he wants to hear specific criticisms I will give them to him, but I think that would be a waste of everybody's time.

Let us just take it as read and let us beg the minister and the ministry to provide us with something we can really chew and which we can really describe to the public of Ontario when we, as legislators, are taking some responsibility for the allocations that this government is making.

**Hon. Mr. Welch:** Ms. Gigantes, I say this quite directly, I do not consider any comments on the booklet to be a waste of time. If, in fact, there are some things we are avoiding in this booklet that you feel would be fairly helpful we should know about them, because there will be other booklets in other areas of our operation.

**Ms. Gigantes:** There are things in this booklet which I find to be interesting to a lay reader and of no help whatsoever to anybody who is trying to understand the specifics of what the government intends doing. Instead of wasting the time of this committee getting into a whole discussion paragraph by paragraph, I can speak to the minister later about the kind of examples I mean. He has a slide show he wants to present and I'd be quite happy to see the slide show.

Could I ask just a couple of more specific questions?

**Hon. Mr. Welch:** On what subject though? I have several.

**Ms. Gigantes:** On whatever you have there. We are on renewable energy, so we could do renewable energy. The minister has provided us in the last day or so with a summary of the Decima Research Limited survey, which was initiated by Energy, Mines and Resources at the federal level, of consumer reaction to conservation programs. I guess we should

leave that until the later vote. I will leave my questioning there. If the minister has some slides he wants to show us, that's great. If the Liberal critic has questions he wants to raise before the slide show, that is good.

**Mr. Chairman:** Mr. Eaton, you wanted to ask a question I think.

**Mr. Eaton:** Yes, I had an area I wanted to get into some discussion on. The minister and I have had some discussion off and on over quite a period of time on the ethanol possibilities. I expressed to you a concern over several of the fields that really are not being looked at and the need for co-ordination. Specifically, there is the federal situation where we have a \$200,000 bond required to set up a still to produce alcohol. I know our federal colleagues had reached some agreement and you had pushed them into having a \$10,000 bond instead. I want to know if there is any progress being made with the feds on getting that done again.

Also, I am concerned with the fact that the Department of Consumer and Corporate Affairs is responsible for containers, for storage and the control of that part of it for other fuels, but there is no mention of alcohol. I think something should be put out so there are some regulations or some guidelines in that particular case.

I have pointed out to you before that there are some incentives given in other places for the use of ethanol, ethyl alcohol, in alcohol mixes with fuel. Last night there was a mention of the sales tax being removed on alcohol used for fuel. I couldn't quite figure out just how it would work. Pardon?

**Mr. J. A. Taylor:** Alcohol-burning automobiles.

**Mr. Eaton:** The alcohol was mentioned too. The alcohol is used in a mix with gas. I know you are working at getting that sort of a program. Is there anything worked out as to how it would work, if it does come into the pumps, in our present gas tax situation? How would that be operated?

Further, and I had hoped to have the information here, but there is some information available on stills that could be used for individual production on farms of alcohol to be used as a fuel. There seems to be no place where we can go and say, "Okay, what's the information on it; what is the technical advice?" I know some people are experimenting. I know of two operations in my own riding right now. They are doing it illegally. They are taking a chance.

**Hon. Mr. Welch:** Where was that?

Mr. Eaton: That I won't reveal at this time. I don't want to be the one to get the individuals in trouble.

10:50 a.m.

Hon. Mr. Welch: That is to operate the farm vehicles on the farm?

Mr. Eaton: Yes. Some of these people are experimenting. Some of them may have the technical ability to do it. Others don't, and I think we could see a serious accident of some sort happen with some of this fuel going up and maybe somebody with it. There seems to be no co-ordination. There are so many ministries, both federal and provincial governments involved in it, and yet among our neighbours down in Nebraska, Iowa, through there, there is a lot of it being produced on farms and it is being sold through the gas pumps. We need a co-ordinated program.

Mr. J. Reed: If you will come to my office, I have fairly comprehensive information.

Mr. Eaton: I have a lot of material on it, too. I have had ongoing contact with these people over a period of time. I feel we should have some central place where we could say, "Okay, here are our technical people who are available," and where you can refer farm people who are interested. We have to have a policy, because as I mentioned all these things that affect it come from different sources, and I think you should be the one to take the lead and co-ordinate it.

Ms. Gigantes: You are not going to leave it to Frank Drea?

Mr. Eaton: I think you should be the one to take the lead and co-ordinate it, and I have been pushing you to do that. Maybe you could comment on what progress you have made and on some of this information that might be available.

Hon. Mr. Welch: It is encouraging to have the question, because there certainly is a lot going on, but here, once again, it is a matter of bringing it all together. It is something that invites the co-ordinated approach, and correspondence from yourself and from a number of people has certainly been supportive. Dr. Higgin, who is in charge of our renewable section, is with us and can share some further detail. This happens to be one of the areas where we would like to make a more detailed presentation at some appropriate time. That could even happen this morning if you wanted it.

What we wanted to point out to you is there is a task force now which we chair, and we are bringing together all of these

particular sections and parts and interests. The budget of the former federal government did recognize the particular matter, and I don't know whether there is any change in that federal position as a result of any statements made by the minister. I don't think they followed on that one.

There was some recognition in our own budget last night in this area, as you have said. I had an opportunity to meet with my colleague, the Minister of Agriculture and Food (Mr. Henderson), recently to discuss obvious implications with respect to this program. We are taking some further action together and will be making some announcements within the next two or three weeks in that regard, as to how the farm community can be even further involved in this area.

I can see how all these things are falling in place. Perhaps it should all have happened yesterday, to keep on moving in this area, but I want to assure you that we recognize many of the matters that you have made reference to. Dr. Higgin, is there anything else that we might want to share, just in a general way, with the committee in this area?

Dr. Higgin: Yes. As the minister indicated, the policy task force, which is comprised of a number of ministries, among them Agriculture and Food, is giving consideration to all aspects related to synthetic fuels, including ethanol, methanol, propane and compressed natural gas. As part of that deliberation we have, of course, identified this bonding and licensing thing as one of the many key issues that has to be addressed. There have been suggestions that there should be a one-stop shop, if you like, where people can get it all together in a couple of hours, and that is under very strong consideration.

Hon. Mr. Welch: Just before Dr. Higgin continues, I learned—and as the member for Elgin (Mr. McNeil), parliamentary assistant to the Minister of Agriculture and Food, could share with us—technical people in that ministry have put out some very interesting publications on this subject, available through the agricultural representatives by the way. It doesn't speak to the questions of taxation and exemption you talk about, but—

Mr. Eaton: No. It really doesn't speak to the question of production either. Where do you go to get the technical information to build a still in your own operation?

Hon. Mr. Welch: I would like Dr. Higgin to carry on, but we do feel there is a need for a one-stop focus.

Dr. Higgin: That's as far as the bonding and licensing that I was referring to, but

with respect to the technical information—which, as you say, is one of the big needs—the Ministry of Agriculture and Food is already started in that direction and has put out what I would call an information sheet, which is good in that it lays out some of the basic facts and some of the myths regarding alcohol production. For example, the net energy gain: is it positive or negative?

**Mr. Eaton:** There's a great argument over that. You can talk to several different sources and get several different opinions on it.

**Dr. Higgin:** We can make a copy of this leaflet. It's a publication from the Ministry of Agriculture and Food and it does address those questions. The author is Mart Kirik, who, as you probably know, is an employee of the Ministry of Agriculture and Food and has been involved in and very enthusiastic about alcohol as a vehicle fuel for many years. Although it's only a four-page information sheet, it does get at some of these basic issues.

We met with the federal government on April 15 concerning a whole variety of policy issues related to synthetic fuels. There are an enormous number of discussion points and one of them was the bonding and licensing matter. We also reiterated that we felt there should be provisions along the lines of those in the last budget and that they should be continued, but in Mr. MacEachen's statement there was no reference to that, so we will just have to wait and continue our dialogue. It is a federal responsibility, as you know.

**Ms. Gigantes:** Why is it necessary to be bonded?

**Dr. Higgin:** It's a penalty thing in case you cheat. Losing your licence is really one aspect. The bond is a bond of good faith that you are going to operate within the rules. It's intended for beverage-grade alcohol. There's some question as to whether it should be waived completely for fuel grade, provided you can be sure that the process is tamper-proof, it's automatically denatured.

There's been discussion about having a black box that you have to plug into the unit, which will automatically feed a denaturing chemical into the liquid and the unit won't operate without that. That's been one of the discussions. But really the bond is a faith thing.

**Ms. Gigantes:** Wouldn't the government feel quite comfortable that if somebody were going into a major black market in drinkable alcohol it wouldn't take long for the news to get out?

**Hon. Mr. Welch:** It doesn't.

**Ms. Gigantes:** Then I wonder about the whole need for bonding at all when you're talking about fuel alcohol.

**Hon. Mr. Welch:** It's a federal requirement.

**Ms. Gigantes:** But can't Ontario make a good case that it's totally unnecessary? I don't think it would take long to find out about in any community in Ontario. You would have somebody telling you within three and a half weeks.

**Dr. Higgin:** There is another fundamental issue behind this bonding thing. If you make it easy for people—for example, people in their backyards in Willowdale—to produce alcohol they're unlikely to be able to produce that alcohol using a process which produces a net energy gain. That's one thing you would perhaps like to discourage.

The idea of bonding is that it's an easy way right now of discouraging that. There are alternative ways of discouraging what you don't want and encouraging what you do want, other than the bond, and those options are being looked at very closely. For example, one is to place the condition that the applicant must demonstrate a net energy gain from the process, and there are many other things that are being looked at. The bond right now is an easy way to discourage what you don't want.

**Ms. Gigantes:** It's a major institutional hurdle at the moment to the implementation of the fuel alcohol program.

**Mr. Eaton:** A \$10,000 bond? Buying a \$200,000 bond is a lot different thing.

**Mr. Chairman:** Are you finished?

**Mr. Eaton:** I was hoping I would get more explanation of —

**Hon. Mr. Welch:** Perhaps what we should do under the circumstances is that Dr. Higgin could give us a progress report on the task force. In fact, we could give you a full presentation.

**Mr. Eaton:** Maybe someone could also explain the implications of the sales tax.

**Dr. Higgin:** I'll start with the task force. As I indicated, the task force has as its objective coming up with a totally integrated policy with respect to synthetic fuels in Ontario. We are considering a whole variety of synthetic fuels, where they fit, what the government's position should be and what policy actions and other actions would be required to encourage development.

11 a.m.

Although that is going on, we have not stopped work on synthetic liquid fuels as



far as projects and other activities are concerned. One of the ongoing activities since the fall with the Ministry of Treasury and Economics and the Ministry of Revenue has been a task force on tax and fiscal incentives for energy conservation and renewable energy.

What you saw in the budget last night was the result of our input to that task force. We are very pleased with what we got, but we did not get all of its unfortunately. We had a lot of other suggestions which, for various reasons we will never know—we will try again—were not successful, but at least we did get some of our suggestions in the synthetic liquid fuels area.

**Mr. Eaton:** If we get over some of these other hurdles and we can put gasohol on sale at the gas station, how do you come up with a price? Do you say 80 per cent of it is gas, on which there is a tax and 20 per cent is not?

**Dr. Higgin:** As far as the actual product price is concerned the rebate is 10 per cent of the 21 cents Ontario road and sales tax from the gallon of gasohol, if you have 10 per alcohol in the gasohol. If it is 10 per cent alcohol, 90 per cent gasoline, that would amount to a reduction of 2.1 cents.

**Mr. Eaton:** That is what they said last night?

**Dr. Higgin:** Yes, it is removed from the alcohol proportion. The more alcohol you use the more saving you get, so from that point of view it is also an incentive to move towards higher levels of alcohol substitution.

If you were using pure alcohol, which is technically feasible although from a commercial point of view not yet in place, you would get the full benefit of the removal of the 21 cents on the whole gallon. So it depends on how much alcohol you use what the actual price reduction at the retail level would be.

That is how it works. In the United States it even goes beyond that. They actually rebate a portion of the tax from the whole gallon of gasohol, varying the gasoline proportion.

**Mr. Eaton:** It varies in several states, with different policies in different states?

**Dr. Higgin:** That is right. In some states up to 13 cents a gallon of gasoline is removed, which, if you have 10 per cent alcohol, translates to \$1.30 a gallon of gasohol incentive, which is a very big incentive. That is how it works basically, as far as pricing.

The other issue with respect to synthetic liquid fuels is one that we have discussed with the federal government, that is, relative to what benchmark should they be valued. As you know, this is not just for synthetic liquid fuel but also for new oil sands production and all new energy sources. This type of thing is now under discussion. The outcome of that debate is going to be very relevant to the way the federal government views the value of synthetic fuels, propane, natural gas, and alcohol as well. So it is an important issue to be resolved.

**Mr. Eaton:** You think the government should be fixing the price of it?

**Dr. Higgin:** No, I am not saying the government should fix the price. I am just saying the federal Energy, Mines and Resources staff have indicated to us that they would see a strong analogy between production from a new oil sands plant and production of alcohol or other synthetic liquid fuels for use in lieu of petroleum. They say whatever value is placed on the new incremental production from oil sands, the same type of value should be reflected against alcohol and other nonpetroleum fuels.

**Mr. Eaton:** I cannot quite follow that. Surely the value of it as regards pricing is going to be related to its cost of production?

**Dr. Higgin:** That is from a production point of view, but I am saying the federal government had in the past indicated that new oil sands production would be allowed to enjoy world price. There is some move from that position now. What they are saying in Energy, Mines and Resources is that they see a very strong analogy between new oil sands production and synthetic liquid fuel.

**Mr. Eaton:** You are saying they are fixing the price of it then?

**Ms. Gigantes:** Suppose they offer world price for a barrel of oil and a barrel of oil is equivalent in Btu to liquid alcohol, you can imagine we would get a lot of production all of a sudden, wouldn't we?

**Dr. Higgin:** That is one of the key pricing issues. That's a federal matter, and we are obviously making input to that debate.

**Mr. Eaton:** In fact, you are saying the feds are going to enter into the pricing of it if we produce it.

**Dr. Higgin:** I would hope the result would be viewed by the federal government in the same way as new production from oil sands and that some sort of pricing or incentives would be put in place by the federal gov-

ernment to reflect the value of that product as an alternative to petroleum products. That's basically what we would expect.

**Ms. Gigantes:** That means the compensation in effect would be kept at least within the Canadian trade figures and we wouldn't be running up a deficit on our balance of trade.

**Mr. Eaton:** Anything that is produced here is reducing that deficit.

**Mr. J. Reed:** Can I get in a supplementary to this? I must express surprise that the minister doesn't know what the federal people are planning to do regarding the bonding requirements for alcohol. I am surprised that there has been no meeting to this date and apparently no meeting between the provincial minister and the federal minister where the subject has been broached.

**Hon. Mr. Welch:** Dr. Higgin reported just about seven or eight minutes ago that meetings with federal officials were held on April 15.

**Mr. J. Reed:** Yes, but the decision obviously is going to come from the—

**Hon. Mr. Welch:** That's not 100 years ago. That's just about a week ago.

**Mr. J. Reed:** I can tell you I have already had discussions with the federal minister on this subject.

**Hon. Mr. Welch:** I met with the federal minister on April 9.

**Mr. J. Reed:** Did you discuss the business of bonding for fuel alcohol? What did he say?

**Hon. Mr. Welch:** The follow-up was the meeting on April 15 with respect to that and then the fact that there wasn't going to be a budget.

**Mr. J. Reed:** Obviously, you don't know what the feds are going to do about bonding for alcohol.

**Hon. Mr. Welch:** That reflects the fact that they didn't seem to know at that particular time. I don't make any big case at all. I am only saying, let the record show that the federal Minister of Energy, Mines and Resources and the provincial Minister of Energy met on April 9 and discussed many items, not in our official capacities.

**Mr. J. Reed:** Not including the bonding requirements for ethanol production obviously.

**Hon. Mr. Welch:** On the list for the agenda on April 15 was the whole question of alcohol production. I don't know what kind of an issue we make in this exchange except I just simply want to establish the fact that there were meetings and there have been discus-

sions. No doubt the member may be surprised about a number of things. I am surprised he didn't hear those dates when I mentioned them.

**Mr. J. Reed:** The fact is that I initiated the move to lower the bonding requirement with the Conservative minister, Mr. Hnatyshyn, a year ago now and entered into some correspondence with him. The initial reaction was negative, but Mr. Hnatyshyn finally did accept the concept that it should be required and suggested the \$10,000 bonding—and I have correspondence to substantiate that. Since that time there has been discussion with the new federal minister —

**Mr. Eaton:** Do you have anything in writing from him?

**Mr. J. Reed:** No, but I had an informal meeting with him in which he saw no reason why that shouldn't be continued and asked me to investigate further whether \$10,000 was, in my view, an acceptable figure.

**Ms. Gigantes:** Why did you go and defeat him then?

**Mr. J. Reed:** Oh, come on! It's too early in the day.

**Hon. Mr. Welch:** Can I just make one further comment? I would certainly urge the member to continue his efforts.

**Mr. J. Reed:** I say to the minister I will continue. I have continued also to have correspondence with his own ministry on this subject, because I feel very strongly that the production of both methanol and ethanol in Ontario is going to have a place and in order to get them launched the climate has to be created—as Mr. Eaton so aptly pointed out—where this can take place in an orderly fashion, in a process that is acceptable to the areas of the private sector that are interested in doing it.

11:10 a.m.

That brings up this other area, this relationship with the private sector. I would express one caution, and that is, when one is looking at the restriction on the production of ethanol particularly, because it is more suitable to agriculture, one must be very careful not to create a climate that simply stifles the free enterprise spirit in this case.

I realize the concern for safety, I realize the concern that we must have a control that doesn't allow the Saturday night distillery to take over in Ontario, and in spite of my NDP friend's statement, that it will be found out quickly, believe me, experience shows that stills can be hidden for years. I have no direct experience, but I can remember stills being

cracked in my area that apparently had been operating at some significant capacity for some time.

So I would say yes, there have to be controls and there has to be some risk taken by the producer of ethanol so that if he does cheat and doesn't play the game fairly he is going to get nabbed and nabbed hard. On the other hand, if he does play fair he should have a climate in which he can work to the extent that economics will allow.

Those are the comments I wanted to make on ethanol. I thank the member for allowing me that supplementary.

**Mr. Eaton:** I will let it go for now, I guess, but these things need to be moved on fairly quickly and we need to be sure there is a co-ordinated source where a person can come—as somebody said, one-stop shopping—and get all the information on what is required for bonding, what is required as far as safe handling is concerned, and what technical information is available for building a small still or maybe a larger one.

I know some people are talking about co-operative efforts of several producers going together. At the same time they should be able to pick up material that says how the feed can be handled. It can be used for livestock feed after it has been used for alcohol production. That should all be in one place so people can go there and get it and know where they can proceed to operate from there and what all the rules are.

**Hon. Mr. Welch:** We seem to be all together on that point.

**Mr. Eaton:** Then let's do it.

**Mr. J. Reed:** I think we are all together, with the exception of some members of your caucus, Mr. Minister, with respect, who are perhaps not so enthusiastic about alcohol as others.

**Mr. Eaton:** They may not be enthusiastic, and I don't say it is the be-all end-all either, but there are some things very worthwhile trying in it. Bob, you are the one who can show the leadership in that central co-ordination and put us ahead of others on it perhaps, and I hope you will proceed to do it quickly.

**Hon. Mr. Welch:** Dr. Higgin, have you any further comment on questions by Mr. Reed or Mr. Eaton?

**Dr. Higgin:** All I can say is that we are very keenly aware of both the opportunity and the needs of the farm community at a farm co-operative level. It is too early to say exactly what the details of our plans are going to be in this area, but the plans are well

under development now with the Ministry of Agriculture and Food, which will be announcing those plans very soon, I would expect.

**Mr. J. Reed:** I would like to spend my time looking at some of the statements that are contained in the explanation package and deal with a few specifics there, and then get into the area of demonstration and the nuts and bolts and those things my party feels are very essential in the renewable development area.

First of all, I want to refer to a statement under solar. It's the second last statement in the little brochure, and it says, "Encourage consumer acceptance of solar energy systems by co-operating in market trials."

I would just like to make the minister aware that there has been some private thrust into residential solar development. The Residential Sheet Metal Contractors Organization pooled some money together and built this cluster of homes, which is located in Scarborough, and the claim is that they will facilitate a saving of about 50 per cent of the energy consumed by an ordinary house of the same type and size.

The sheet metal contractors made some representation to me and said they can't get any consumer acceptance of these houses. Nobody wants them. Nobody is buying them. They are afraid of them. They said it would be much better if they ripped those solar panels off the roof and sold them as a conventional home, and they are very disturbed. These are air collectors into rock storage and so on, a very simple technology. There is no sophisticated stuff with them at all. They were simply done as an attempt to demonstrate simplified active solar equipment and how it might, in the future, work into the housing market. They took a flyer on this thing and as soon as a potential—

**Mr. Eaton:** How many are there?

**Mr. J. Reed:** There are six units. They are separate sale town house type units, very attractive looking places. The only real difference between them and other sort of above-average town house type units would be the fact that they have this solar component on them.

**Ms. Gigantes:** What are they selling for?

**Mr. J. Reed:** Just under the \$80,000 mark. I think they were making an award of about \$5,000 or something for the cost of the solar component.

I really don't know the circumstances surrounding the difficulties of sale, except that the information given to me is that the nega-



tive reaction has not been to price per se. It's been when the customer went to look at them. They were very attractive units, but people would go to look at them and find out they have this solar component on the house.

I am just wondering what the government can do here to encourage consumer acceptance of solar energy systems, because obviously there are some people who are willing to step out into this area, but if these kinds of things are going to simply evaporate because of the negative response it may set this back 10 years. You have the statement contained in your brochure, "Encourage consumer acceptance of solar energy systems by co-operating in market trials" and so on. How does that help fellows like these?

**Ms. Gigantes:** Mr. Chairman, I just wonder how we can discuss the problem when we have so little information on it.

**Mr. J. Reed:** With pleasure, I can give all of the information. I will have it copied for the honourable member. I'm delighted. Here is a picture of it, Evelyn.

**Ms. Gigantes:** I'd love to have one of these homes.

11:20 a.m.

**Mr. J. Reed:** I can tell you I do not know the details or the circumstances. It is not my job to get into that area. As energy critic, I should certainly be expressing a concern that there is buyer resistance.

**Ms. Gigantes:** \$80,000 for a town house in Scarborough?

**Hon. Mr. Welch:** I assume the honourable member does not feel we can legislate this particular matter?

**Mr. J. Reed:** No, no. With respect, Mr. Minister, I am sure that you did not mean that seriously.

**Hon. Mr. Welch:** Let us not get into the degree of seriousness with respect to the raising of issues. The important thing here is that public confidence has to be built up over a period of time. The ministry is discharging its responsibilities along this line by commissioning not only studies but also demonstration projects on this thing. Our record itself in this area with respect to the school in St. Catharines and a number of projects we have been directly involved in with respect to funding I hope ultimately will be used as part of the whole procedure to develop some type of public confidence in this matter.

Today, for instance, I am releasing the results of a study with respect to residential passive solar heating and its benefits. We will soon be doing one with respect to four

solar domestic hot water systems. We have been spending a fair amount of time in certain areas.

I would welcome any suggestions. The people came to you with the problem. Did they also come to you with what they thought was a helpful solution? When you introduce a new technique to the buying public, how do you overcome some of this concern?

**Mr. J. Reed:** No, Mr. Minister, they came to me with the concern. They do not have the answer either. The reason I brought it out here is your explanatory brochure contains this kind of thrust. I thought it was appropriate that when you say you are going to encourage consumer acceptance you have some mechanism to back it up.

**Hon. Mr. Welch:** The very phrase the member raised shows how we were in fact going to do that. We were going to encourage by co-operating in market trials. That is the point I tried to make a few moments ago. We are very much involved in a number of pilot projects in this particular area. The results of a demonstration project I hope if ultimately successful will provide further information that will engender that type of public confidence.

**Mr. J. Reed:** How does one elicit government co-operation in market trials?

**Hon. Mr. Welch:** That is a fairly reasonable question. Let us show how we have in fact done that. Let us get some specifics with respect to that.

**Mr. J. Reed:** I would appreciate that.

**Dr. Higgin:** Perhaps I could give a little background to get the whole process and development of solar context. The first stage is development of the systems that you want to test. The next phase is demonstration of those systems. We have taken a lead in quite a number of demonstration projects which help the industry to work out the problems they have with their systems, and also expose the public to these systems. That is the first level of public awareness.

The big need before you can go with the builders is to have workable, reliable systems. The builders have to sell these houses and the public wants to be convinced that they are workable, reliable and are going to do what is claimed. We have developed a whole approach with the Housing and Urban Development Association of Canada, and tried to recognize that you have to walk before you can run as far as getting solar heating systems into the marketplace is concerned.

The builders, even those who are enthusiastic about solar, are rather afraid of the market risks. Over the past year we have been working with HUDAC in developing an approach for solar systems which the builders can accept. I think you are probably aware that the first phase of that is our passive solar initiative which was announced about three weeks ago, if I am correct. The terms of reference of that are such that we are asking the builders themselves to submit what they would like to do under that program as far as passive solar development is concerned.

I would contend that energy conservation and passive solar are at the first levels of builder acceptance and consumer acceptance. What we are working on with respect to market trials now is in the passive solar area. These houses that will be designed and built will be a market trial of passive solar. To get into active solar systems, our findings have been that residential systems have not reached the degree of reliability and workability that would allow them to go into a market trial phase, but that will come very soon. We need more demonstration projects and so on to achieve that.

Some of the builders have been doing demonstration projects funded by the National Research Council. In fact, about half a mile from the ones you have mentioned, which were the sheet metal group homes, McClintock Homes received support from the National Research Council to construct a number of town homes. If I am correct, Mr. Johnson, there were four town homes.

**Mr. S. Johnson:** Yes.

**Dr. Higgin:** I think the base price on those is around \$60,000. The builder said if he had to market them at the incremental cost of solar this would have added about \$10,000. He did start off trying to market them at an incremental cost, I think, of about 10 per cent over and above. Eventually, he had to back off. My understanding is that after quite a time and a lot of difficulty he has now been successful in selling those homes.

I think there is very little difference between the sheet metal group homes and the McClintock homes and that it should be viewed not really as a market trial but more as a demonstration project. If people recognize they are part of a demonstration when they go into it I think they are a lot more prepared to understand that things may go wrong and, provided they have got full backup and so on, they are prepared to take this risk.

**Mr. J. Reed:** There is full backup, incidentally.

**Dr. Higgin:** Yes, there is in this. I would suggest that maybe the sheet metal group was just a little ahead of its time in trying to do what it did and it should probably have been after the same federal program that McClintock received funding under.

**Ms. Gigantes:** It seems to me that if we are talking about getting into the development of solar homes on a demonstration basis such as these products, it is pretty important to think of who is going to buy them. You are talking about an \$80,000 home. The kind of family where \$80,000 becomes a possibility for the price of a home these days is the kind of family where nobody has very much time left over to worry about whether the solar panels are going to work.

**Dr. Higgin:** I agree with you but—

**Ms. Gigantes:** It is probably important that we should be putting all these projects into the kind of income level where there really will be a market, where the guy may work an eight-hour day and maybe his wife works four hours a day and where there is actually somebody around who can deal with whatever difficulties the demonstration is going to run into. A handyman-type is not the type who is earning enough to pay for an \$80,000 home.

**Mr. J. Reed:** With respect, I have to remind the member that the first automobiles were not purchased by people on low incomes, nor were they able to be manufactured through mass production or cost-reducing mechanisms. It took a certain amount of evolution and a certain amount of time for a number of things to happen. One of those essentials was the development of low-cost production technology that would allow it.

I must say that is never going to happen until you start somewhere. You have got to start at the beginning and walk before you run. If you want to mass-produce a certain kind of selected solar system ultimately down the road, even if there are people who can't afford to spend the money on what is probably initially a little bit of a novelty or a little bit of a demonstration or whatever it happens to be, those elements should be out on the marketplace where they can get the exposure.

11:30 a.m.

**Ms. Gigantes:** No, my point is this—

**Mr. J. Reed:** You know as well as I do that when the first car was produced it

wasn't produced at a price the average person could afford.

**Ms. Gigantes:** My grand-daddy was a coal miner. He had the first Model A in town.

**Mr. J. Reed:** There were lots of cars on the market long before the Model A was put into production.

**Ms. Gigantes:** My point is that if you are talking about a home that you put on the market for \$45,000, a small town-house-type home at this stage, when you add in the extra capital costs that are going to go into the solar components for that home, then you are talking in the price range of people who may be working what one would call normal working hours in our society and actually enjoy running a solar house.

If you are talking about a guy in the professional income level who is working 12 hours a day, the last thing he wants is to have to fiddle around with solar piping on top of his long hours. I really think we have to look pretty carefully at this. I put it to the minister, that when we are talking about consumer acceptance, market trials and so on, you have to be pretty realistic about what people can actually afford and who those people are going to be who are interested in helping develop the market acceptance.

**Hon. Mr. Welch:** I think what Dr. Higgin was sharing in a general response to the member for Halton-Burlington (Mr. J. Reed) was the very deliberate involvement of the ministry at various stages in attempting to establish this type of acceptance.

**Dr. Higgin:** The reasons you have just stated are precisely the reasons why we have started with HUDAC and precisely the reasons why we started with a passive solar market trial. We intend to develop from there. We recognize, as you do, the incremental costs of solar energy right now cannot be borne by the consumer, but we would contend there is a lot of scope in the area of increased energy conservation measures and also in passive solar design. On energy conservation measures, we brought a very excellent publication to the builders a few months ago—the Builder's Guide to Energy Efficiency in New Housing—that sets the background for energy conservation design and efficiency in housing and introduces the concept of passive design. We have gone from there in developing the next step of our co-operative program with HUDAC into this passive solar market trial and we will move from there.

**Mr. Eaton:** How well equipped technically is your ministry to test some of these things before you test them on the market? In other words, somebody comes along with an idea—for example, I had one group in to see you. They have put it in a home. How much actual technical expertise do you have to provide to these people, because there are obviously going to be a lot of people coming along with ideas?

**Hon. Mr. Welch:** I think that is a fairly reasonable question from the standpoint of how we use the expertise that is available, say, through Hydro, and how we would have consultants come in. Perhaps, Dr. Higgin, you can illustrate how you do your evaluations from a technical point of view.

**Dr. Higgin:** Perhaps one good example would be the four domestic hot water systems that were a demonstration program we undertook with the Ontario Housing Corporation. At the time they were installed, these were some of the first domestic solar hot water heater systems in Ontario. We were basically there to get the technical experience that the installation and commissioning of these units would provide to us and also, more important, to the industry.

It is all very well to test equipment in the laboratory, but until you actually install it out in the field you aren't aware of what the problems may be. In fact, it has been found that the problems with the systems have been due in some part to design problems, but in very large part to the fact that the installation people are simply inexperienced in the installations. They miss what, in hindsight, are obvious things like leaving patches of pipe without adequate insulation, which leads to freezing, and so on. These are some of the problems.

Our expertise is used to ensure that this experience is used and developed further into new projects. As far as what we offer to the public, we cannot offer consulting services. We do not have the staff, and also there is a consulting engineering profession which is highly competent in the area. If you give people general advice and wish to take this one step further, you find a good engineering consultant who can advise you, put his stamp on it, and stand behind what you are going to do or what you wish to do. That is usually where the advice ends up.

The dissemination of information from these projects is going to provide in itself a big learning experience to everyone. That is why we publish these reports. The experience in here is invaluable. The industry can learn from it.



We also help the industry learn on the job, on the demonstration projects when things go wrong. In this area we are applying the considerable technical expertise in the program. It is a co-operative effort. The industry itself has to make improvements in the system, to develop the system, and to be able to produce workable, reliable systems. It is not up to the ministry alone.

**Mr. J. Reed:** Mr. Chairman, does the ministry have any kind of assembly of demonstration projects? I am not referring specifically to solar, but referring generally to all alternative energy systems. You have this expenditure of money. As Ms. Gigantes said, you have developed some very nicely worded and pretty brochures on some of these things. Do you have a list of nuts and bolts?

**Mr. Rowan:** Mr. Chairman, the member has asked if we have a list not restricted to solar. I would point out that in the energy-from-waste booklet that was issued a few weeks ago, on page 10, there is a list of municipal solid waste projects under evaluation in Ontario. The ministry is involved, in one way or another, in all of them.

**Mr. J. Reed:** What I am getting at is where can I, in the private sector, who might be interested in doing some of these things, go and see a demonstration project of, say, ethanol production or solar grain drying on all of the various renewable programs that have been announced? In other words, is there something to which I as a layman can refer? Is there something from which I can find out that if I drive to such and such a town the government is participating in this project which is designed to do so and so?

**Mr. Rowan:** In the back of the publication, *Turn on the Sun*, there were a number of specific examples of solar applications, not all of which involved the government. There were and are many examples of solar technology throughout the province, and what we endeavoured to do in our second edition was to update it. These are changing all the time.

11:40 a.m.

Nonetheless, I think if you turn to that document you will see a diagram of the kind of application, some of the specifications of the technology that has been incorporated into homes, or otherwise, and the address. If you turn to that you could certainly get an indication of solar efforts throughout the province.

As I indicated, on page 10 there is a list of projects where you could go to see or

—since some of these projects are not in the construction phase—talk to individuals.

**Ms. Gigantes:** None of them is operating.

**Mr. Rowan:** With one exception. You do recall that the solid waste reduction unit is operating in Hamilton. You will be able to talk to people—

**Mr. J. Reed:** That's a private one, though.

**Mr. Rowan:** —who are participating in more than just an academic sense. Many of these people are participating in a financial sense, so they have a stake in the outcome of the evaluations that are under way.

I should also indicate that there are solar projects that were not in *Turn on the Sun*, where we as a ministry have been involved. I am thinking of West Humber Collegiate. It has the first solar hot water heating system for a school in Ontario. Applewood, in St. Catharines, is the first solar-heated school. We have installation of packaged residential space heating systems which Dr. Higgin spoke of a few moments ago, and the first solar-assisted hot water heating system for a hospital at the Oakville-Trafalgar. There are a number of sources that identify where these projects are now under way or planned to be under way.

In addition, I should refer to what the minister said a few moments ago about this compilation of activities across the government, not only in energy conservation or in renewable energy, but through the whole spectrum of energy initiatives throughout the government. We would hope to have that available some time in June, and it will give you a better idea of the range of activities the government has under way.

The compilation that is planned and in process does not have addresses. Anyone who is putting together a booklet of any kind has to compromise as to the type of information that can be included without getting it so bulky as to be meaningless. There are so many different interests out there that some times it is hard to satisfy everyone, but we try to do our best.

**Ms. Gigantes:** What is the market for these glossy productions?

**Hon. Mr. Welch:** Of course, we have a distribution list, so those people get these.

**Ms. Gigantes:** Mr. Minister, would you sit down and ask yourself if the people who are getting the regular distribution of your information wouldn't be just as happy with a mimeographed sheet with more information and less gloss?

**Mr. Wildman:** This is proof that we should take equity in the pulp and paper industry.

**Mr. J. Reed:** Have we exhausted that? I have one other area of specific interest, and—

**Mr. Eaton:** Are we leaving solar?

**Mr. J. Reed:** Yes.

**Mr. Eaton:** I have one more question before you go on. I note at the top that the goal for 1995 is 1.8 per cent of our energy from solar sources. That seems very minimal. How do you arrive at that? How do you project that kind of a goal?

**Hon. Mr. Welch:** I don't think 1.8 per cent is very minimal. Could you speak to that please, Roger? That is misleading because of the small figure, in terms of our total energy needs.

**Dr. Higgin:** The figure sounds small in terms of total primary energy requirements, but—

**Ms. Gigantes:** That's primary. That is one of your problems. It could be expressed in secondary terms.

**Dr. Higgin:** —it is equivalent to about 15 million barrels of oil a year. If we want to go into the question of hydraulic energy versus coal fired and so on, I am sure we could debate that particular issue. In secondary energy it depends on which energy form you are backing out. If it is electricity, then we get back into the argument as to what its value is. If it is oil, and if you assume a 60 per cent furnace efficiency, then it backs out more by that proportion, 60 per cent versus the 100 per cent.

**Ms. Gigantes:** Why not express it in secondary terms? We would all get so much more inspired.

**Dr. Higgin:** I remember we had a discussion on this point in the last estimates.

**Ms. Gigantes:** Yes, every estimates is the same, isn't it?

**Dr. Higgin:** Yes. Basically we try to relate to Statistics Canada and the way it does its—

**Ms. Gigantes:** Yes, but if you just did it in oil terms we'd all be a lot happier.

**Mr. J. Reed:** I have two more areas, one major one and one little minor one I will get out of the way. It would seem that in the whole area of renewable energy there are people who are coming out of the woodwork one by one who have ideas, inventions and so on. I am wondering what advice the ministry gives to people who come to it with inventions in terms of explaining to them how they can protect their ideas so they can open them up for public discussion without them being plagiarized?

**Hon. Mr. Welch:** I know there was some work being done at the University of Water-

loo. Roger, could you go through that again please?

**Dr. Higgin:** There is the Innovator Centre at the University of Waterloo and they have had that for some years. That program is designed to conduct a very preliminary quick evaluation of inventions just to let the inventor know whether it has been invented before and whether it has any potential. The significant thing is that centre has now had its role and mandate expanded quite considerably recently. It will still do those functions, but it will go beyond that and help people in determining the path they should follow with respect to the development of their particular invention or idea.

This centre, in other words, will also undertake some of the preliminary development work for them in order to produce a prototype that can be tested and so on. That centre has basically been established to do those functions. We have been using that centre as the prime area for inventors who have an idea they want to evaluate but they don't want it plagiarized or anything else.

**Ms. Gigantes:** Have you had a successful run-through?

**Dr. Higgin:** We had several inventions referred there under the old program, which was the preliminary evaluation. We have not referred any new ones as of yet under the expanded program. The new expanded program was announced about a month and a half ago. We will be following that route. I think it is a very good move for that centre to be expanded in its ability to help people to take their idea and develop it further.

**Mr. J. Reed:** I just have one other area. It is the area of the first renewable—

**Ms. Gigantes:** On that, it seems to me if we are going to get into a discussion of hydro costs it would be useful to have the Ontario Hydro people who are responsible for hydraulics here.

11:50 a.m.

**Mr. J. Reed:** I don't want to talk about Ontario Hydro here. I want to talk about the private sector. I want to talk about small hydraulic development as it relates to the private sector and the mechanism that the government uses to deal with it. I would like a status report from the government on what happens now to an individual who desires to develop or redevelop a site that is in existence. Have you gone anywhere with the development of a mechanism for that person to go through so that he knows if he meets certain requirements and satisfies certain cri-

teria he may proceed at his own expense to develop small hydraulic power?

**Mr. Rowan:** Mr. Chairman, you will recall that on the first day of our estimates there was some discussion on this matter. At that time, it was indicated that Ontario Hydro was quite willing and anxious to be of assistance to those individuals who wish to develop a hydraulic site on their property or elsewhere. Hydro has identified a number of sites where Hydro itself would like to examine the potential and, hopefully, incorporate that into its system.

**Mr. G. I. Miller:** Can I have a list of those sites?

**Mr. Rowan:** Just to be quite clear, the sites which Hydro is interested in were identified by Hydro and the Minister of Energy (Mr. Welch) some time ago. There are a number of other locations throughout the province where Hydro may or may not have an interest, but Hydro has indicated that it has no difficulty with anyone who wishes to develop a particular site.

**Mr. J. Reed:** Mr. Rowan, I know that, I understand it and I appreciate Hydro's viewpoint, which it expressed publicly at the Porter commission and reference points since. I am aware of all of that facilitating by Ontario Hydro. In order to develop or redevelop a small water power, however, if one were confined to Ontario Hydro's process, it would be simple, but I think the minister and the deputy know there is more than one ministry involved. There are two ministries involved.

The deputy will recall that on many occasions I have asked for an understandable mechanism to be set up through the auspices of one ministry where the development and redevelopment of small hydraulic power could be co-ordinated so that a private individual simply could contact the ministry involved. He would know where to go and would learn what criteria he would have to satisfy in order to do that, depending on certain things. He would know what other influences there would be on his desire to do that redevelopment or that original development work, whatever it might be.

The whole process is so confusing at the present time that potential private redevelopers particularly are turned off by simple noises from conservation authorities which possibly don't have any authority to say no but which are saying it. Then there is a whole set of elements that come into the business of water running down a hill, as the deputy will know.

**Hon. Mr. Welch:** That is not in dispute, is it?

**Mr. J. Reed:** Goodness knows. The fact remains that we did make the suggestion to the ministry and have done it on repeated occasions that there be some understandable mechanism, not dissimilar to the NYSEDA-type of mechanism—the New York State Energy Research and Development Authority—where small powers, that is, powers of under 1.5 megawatts, had a very simplified form of application that they had to satisfy and they could be assured of a decision within a certain period of time. Those of over 1.5 megawatts would go through a more lengthy set of criteria and would have to overcome a more lengthy set of obstacles before they would be given approval.

I've asked for this, and I feel very sincerely that it's going to be essential, in Ontario particularly, if there is going to be any participation in hydraulic development by the private sector, where the private sector will know that if it does a study on an area—maybe there's an existing civil work, or maybe it's owned by the government, maybe it's owned by a municipality; there are all sorts of combinations in existence around the province, but those civil works are not working. They're not doing anything except holding back some water and maintaining water levels for docks for summer cottages, in many instances.

I think the minister agrees that in a lot of those cases development could take place to utilize those civil structures for other uses as well. Right now the process is so unclear as to be indecipherable by the average private citizen.

You're the Tory government here and you should be especially interested in private enterprise. I'm going to confine it to private enterprise. We'll talk about Hydro when Hydro comes here. I want to know if you are going to undertake, or if you are undertaking, to get such a simplified mechanism into place, and if you are, what is the status of it.

**Ms. Gigantes:** May I speak to that while you're preparing the answer? What potential do you see in terms of the kind of private development that Julian is talking about compared to the cogeneration potential within the industry? Are the mechanisms different as far as the ministry is concerned, in terms of making sure that this private initiative can be encouraged and in fact get into production?

**Mr. Rowan:** I could respond to both questions at the same time, because they are related.

My next point, Mr. Reed, was to indicate to you that your previous suggestion of



developing a road map for the investor in small hydraulics is certainly one we agree with. We have that under way now, and I am pleased to be able to say that. I can't say how quickly we can get all of the agreements which are necessary and sort this out among the various ministries involved. But we are pressing ahead with it and we would hope to have that sort of guidebook available later this year.

The notion you just expressed is interesting, that perhaps there is a demarcation line on the size of projects and there are some projects which are smaller than others and, for whatever reason, might go through a simplified process, where others might need to be much more rigorous in terms of the kinds of evaluations—like environmental assessments. Those are the sorts of things that have to be worked out, because I'm not sure that the Environmental Assessment Act and the process they have in law would allow that kind of demarcation. Those are the sorts of things that have to be sorted out.

With respect to the relative potential between small hydraulics and cogeneration—

**Ms. Gigantes:** In the private sector.

**Mr. Rowan:** —in the private sector, I think it's very difficult to put a number on the amount of interest the private sector will have in developing small hydraulics. It is a matter of economics, so I would be hesitant to say by such and such a date there is going to be a X megawatts of additional hydraulic capacity developed by the private sector.

12 noon

**Ms. Gigantes:** I am asking about potential here.

**Mr. Rowan:** I think Mr. Reed could give a faster number for potential than I can. I am sure he has it at his fingertips.

**Ms. Gigantes:** A comparative potential.

**Mr. Rowan:** Let me go to the cogeneration number. It is estimated there is about 700 megawatts of cogeneration capacity that could be developed in Ontario. I would like to leave it at that, but whether it is private, private-public or public is still something to be established.

In terms of the present estimate of economic cogeneration, about 700 megawatts is the latest estimate around. I know I haven't given you another number on the other side, but I hope you will understand why it is difficult to identify even a range.

**Ms. Gigantes:** I was concerned about the process. Does the ministry expect to pursue

the same kind of procedure to encourage private sector involvement in both these kinds of developments?

**Mr. Rowan:** I think in cogeneration you will find a variety of initiatives taking place. I think you will find private sector companies themselves seeing potential for cogeneration. On the other hand, I think you will see situations such as at Swaru—Solid Waste Reduction Unit—where the Ontario Energy Corporation in co-operation with Swaru is planning, if everything works out well, to put in a cogeneration facility at an approximate value of \$2 million to produce electricity from the steam produced at the Swaru plant. Also, there could well be involvement by Ontario Hydro in certain projects, so I would see a variety of mechanisms that are possible.

**Hon. Mr. Welch:** Mr. Chairman, I wonder if I might just get some direction from the committee. It was understood we were going to try to go to two o'clock to recover some time, which means a four-hour session today. I didn't know what that did to the schedule of the committee. I know the member for Halton-Burlington (Mr. J. Reed) is somewhat concerned about a week from today with respect to some commitments.

Was it the intention of the committee to do votes 2003 and 2004 today, then 2005, the regulatory one, tomorrow night and then Hydro the following Tuesday? How does this affect the schedule, since we are going over and we may need some staff here?

**Mr. J. Reed:** As far as I am concerned. I am delighted that we should go on, and especially that the minister anticipated we might do that. I would like to get through these estimates in the most expedient manner possible. I am quite agreeable to being here until two o'clock.

**Ms. Gigantes:** Mr. Chairman, if the chairman, whom you are replacing, is agreeable to staying until two, that was my original understanding. Whether we will actually finish these two votes in the four hours is doubtful.

**Mr. Acting Chairman:** You haven't set a time limit to finish?

**Ms. Gigantes:** We had allocated roughly two and a half hours per major vote. We are talking about renewable energy plus conservation. If we had five hours we might give it a decent run-through.

**Mr. Acting Chairman:** We can go on to it tomorrow night.

**Hon. Mr. Welch:** It may be that as of 12:30 we could carry vote 2003 and then start on 2004.

**Ms. Gigantes:** It is possible.

**Hon. Mr. Welch:** That would mean we would not be finished by next Tuesday night and would be going into Wednesday.

**Mr. J. Reed:** My own feeling is that I will do everything I personally can to expedite vote 2004 today. I realize conservation is a large area and it is one of the most important areas we will have to discuss, but you can be sure I am not going to try to delay the voting on these estimates.

**Mr. Acting Chairman:** The way it would work out, if we go until two o'clock today, we will have six hours left—two and a half tomorrow night and two and a half on Tuesday, which would leave one hour for Wednesday.

**Mr. J. Reed:** If it has to work out that way then it has to.

**Mr. Acting Chairman:** Unless you want to sit at seven o'clock next Tuesday night.

**Ms. Gigantes:** I would like to accommodate Mr. Reed's timetable. If he wants to try to say whatever he has to say on Ontario Hydro on Tuesday night, it is fine with me.

**Mr. Acting Chairman:** Would there be a possibility of starting at seven o'clock on Tuesday night?

**Ms. Gigantes:** I am willing to wait until Wednesday.

**Hon. Mr. Welch:** It would be helpful, obviously, to try to avoid that one-hour hangover on Wednesday.

**An hon. member:** We could start an hour earlier on Tuesday night.

**Mr. Acting Chairman:** Would you be willing?

**Ms. Gigantes:** I certainly do not mind coming in by myself and talking to the committee.

**Mr. MacDonald:** The minister is always anxious to avoid a hangover.

**Mr. Acting Chairman:** Would the committee agree that we start at seven o'clock next Tuesday night instead of eight o'clock?

**Mr. J. Reed:** I wonder how everybody feels? I have no objection to that.

**Hon. Mr. Welch:** It is settled then.

**Mr. Acting Chairman:** Agreed. We shall start at seven o'clock next Tuesday.

**Ms. Gigantes:** Mr. Chairman, before we leave the specific item of hydraulics, could I make a request of the chair that when we

turn to Ontario Hydro's vote, the last vote we have, that we have before us those people in Ontario Hydro who can speak to us directly about the hydraulic resources which have been identified in the January 1977 revision?

**Hon. Mr. Welch:** We have assumed that.

**Ms. Gigantes:** One of the people whom I would like to see before us is Mr. Frank Near, who worked on the evaluation.

**Hon. Mr. Welch:** It is pretty straightforward.

**Ms. Gigantes:** I could never talk to him.

I have a couple of more comments that I would like to make on this vote but there are other people ahead of me.

**Mr. J. Reed:** Before I close, Mr. Chairman, I take it that the deputy has said they are working on a road map that will be published this year.

**Ms. Gigantes:** Will it be in Energy Ontario? Another glossy?

**Mr. J. Reed:** It will be as clear a path as possible so that these prospective developers can move.

I only have one other question in passing regarding hydraulics. So far, in terms of redevelopment, the government has seen fit—I realize it is the Ministry of Natural Resources that has seen fit, and this problem arises because two ministries are involved—to offer first refusal on any redevelopment to Ontario Hydro. In so doing, they have not stipulated any time frame within which they would be required to make a decision.

Unfortunately, what can happen is that a first refusal offer could be made to Ontario Hydro on a prospective redevelopment. Ontario Hydro could say, "Oh, yes, we can make a decision," and then no decision may be made. The spectre of the Bermuda Triangle rises once again. A good idea falls into the bottomless abyss of the Ontario Hydro bureaucracy.

I am wondering whether the minister would give some very serious thought as to why he or his government might think Ontario Hydro should have first refusal. If they should have, would he state it as a policy and require Ontario Hydro to make a decision within a given period of time and include that in the road map too? The way it is now is so ad hoc it is not encouraging at all.

12:10 p.m.

**Mr. Wildman:** Mr. Chairman, I want to raise a couple of things. I am just at this moment referring to this little booklet, *Energy from Waste*, at page 14. I know we discussed

this in general—the member for Middlesex (Mr. Eaton) raised it this morning—but I just want to make one comment in terms of methanol and gasohol.

I understand the ministry is attempting to bail out the Ministry of Industry and Tourism for the Edwardsburgh debacle, but I really think—I think the member for Algoma-Manitowlin (Mr. Lane) would agree with me, and I know that the member for Timiskaming (Mr. Havrot) has said this as well—that as well as the fast-growing poplars and so on, the ministry should be looking at the development of some technology that can make use of the waste timber we have, unfortunately in great abundance, in northeastern Ontario so that we can make a virtue out of some of the unfortunate practices in the timber industry in the past.

Also, for that matter, unfortunately there are a lot of abandoned farms in the northeast that are growing up in poplar. Perhaps we could make use of that resource. I would hope that besides the fast poplar plantations in eastern Ontario, the ministry would be looking seriously at using the natural poplar and other wood wastes we have in the northeast.

**Hon. Mr. Welch:** I don't disagree with that. As you might well have anticipated, that's part of the program. Dr. Higgin, would you like to be more specific on that. Certainly that's set out on the same page 14.

**Dr. Higgin:** Yes, I can just briefly say what types of wood we are looking at in the Edwardsburgh study and we would believe that the basic finds about wood supply would be applicable to other areas in Ontario. In phase one, where we are looking at the wood supply and economic situation for providing wood for a variety of purposes, we specifically list six types of wood sources that have to be looked at within that area: (1) mill residues from existing lumber operations, sawmills and so on; (2) logging residue, often called slash or tops and branches, the stuff that is left behind after the logging operations—

**Mr. Wildman:** That's the stuff the jobbers get stuck with.

**Dr. Higgin:** Yes, —(3) the salvage of dead timber, timber that has been killed either by fire, insect damage, disease or flooding, the various causes for that dead timber; (4) timber that is produced as a result of stand conversion programs, thinning out stands to get more merchantable timber in the stands; (5) stand conversion where your desire is to produce one type of specie in a particular

stand in a particular location, and (6) biomass farming, or if you want to call it such, the hybrid poplar.

We believe—although the study is intended to find this out, we hope, for sure—that in order to operate any large energy facility using wood as a source, you may well need all of these sources. As time goes on, the availability of the first few types, i.e., mill residues, may continue, but logging residue, salvage timber and stand-improvement timber will decline or you will have to go farther to get it, which will add a transportation cost penalty on the facility. Then you will have to consider growing the feedstock around the facility, unless you have a portable facility. Certainly a methanol plant is not exactly a portable facility. There are certain types of portable operations that can convert wood into charcoal and pyrolysis oil. American Can has one of these which it operates in the United States.

We are very aware of the need to use the total biomass resource within an area, but we also are very aware that we have to consider how that biomass resource is used relative to forest industries and other applications as well. That is all being considered as part of this Edwardsburgh study. I hope that answers your question, at least initially.

**Mr. Wildman:** I appreciate your response and I understand that the government does have a lot of land around Edwardsburgh that it wants to do something with, but I would think from my knowledge of eastern Ontario that some parts of the northern part of Lanark county or Renfrew county might be more appropriate for this kind of operation.

**Dr. Higgin:** If I can just respond to that point, the terms of reference in phase one detail Edwardsburgh and then say, "to produce the same information specified for the above location for two other locations within the counties of Lanark and Leeds, which are advantageously located with regard to present and potential wood supplies and transportation facilities." So we are evaluating two other areas in eastern Ontario at the same time. We are not specifically saying it is only Edwardsburgh; we are looking at other areas.

**Ms. Gigantes:** But even so, if you are going to be looking at slash and forest waste from logging as a source of biomass energy, eastern Ontario is not going to be the prime region that would get developed first. Is there something comparable that you are considering in the north?



Mr. J. Reed: Clarke Rollins says it won't work in Hastings-Peterborough.

Ms. Gigantes: Leaving Clarke Rollins aside.

Mr. Wildman: I think my colleague from Algoma-Manitowlin will agree that we have a tremendous number of abandoned farms that are growing up in natural poplar, and that have also, as you have said, the tremendous amount of slash. Just about any area, whether it be on the north shore of our area or whether it be up in Timiskaming or any of those areas, would be quite appropriate for this kind of thing.

Dr. Higgin: One of the reasons we chose this area, apart from the Edwardsburgh land availability, was on the advice we got from the Ministry of Natural Resources that they have almost completed a very comprehensive inventory in eastern Ontario which has been going on for a number of years. So there are extremely good data available on eastern Ontario; the data on other parts are more sketchy. That is one of the reasons we went there: because it builds from the inventory data base.

Inventories are going to be carried out across other areas of Ontario and we have been discussing with Natural Resources generally the other areas where biomass availability would seem to be strategically located. I think that is one of the keys: it has to be strategically located relative to people who can use the resource for energy purposes. So we are looking at that as well, but the reason we homed in on eastern Ontario was basically that the inventory data were in good shape for eastern Ontario.

Ms. Gigantes: That is a great idea; eastern Ontario could sure use that kind of project. But if you are setting out essentially to find out the best possible sources in Ontario, it may not be number one.

Dr. Higgin: I am afraid it would take a very long time to get inventory data on biomass all over Ontario up to the same level as eastern Ontario's data are. I think the desire is to move quickly in an area where you have identified that there are biomass sources, where you have a handle on them and they are relatively strategically located to markets. I think those are the reasons we wish to move on this area, rather than wait till we have all of the blocks in place for the whole of Ontario.

Ms. Gigantes: We are not trying to suggest you shouldn't be doing that; we are trying to suggest you should be doing more of it.

Mr. Wildman: No, I am not against the Edwardsburgh project.

Dr. Higgin: We are working on the whole forest biomass inventory with Natural Resources, and other areas will be covered within the next few years.

Mr. Lane: Just a supplementary: Mr. Wildman made a good point and it seems to me that there is rather a large number of areas that used to be farmed that are now sitting there growing weeds basically. They are privately owned property in many cases, so we would have to get—

Mr. Wildman: Some of it reverts to the crown.

Mr. Lane: We do have large timber operations by E. B. Eddy in the area which produce a lot of waste material too, so maybe you should look at it in terms of coordinating the usefulness of those abandoned farms to grow some hybrid poplar together with the waste wood from the E. B. Eddy operations.

12:20 p.m.

Mr. MacDonald: Could I just add a word here? I think Ms. Gigantes is obviously correct in saying that the availability of material from logging operations in eastern Ontario is going to be relatively limited. With regard to the availability for regeneration and growth, I have a recollection away back in the 1950s when the first conference of the Eastern Ontario Development Association was held. It was one of these minor extravaganzas. About six or eight ministers went down and listened to briefs presented by organizations all over eastern Ontario. One of them was pointing to the fact that there were very extensive areas cut over that should be put back in trees but otherwise the land was pretty much wasteland.

They made the mistake of asking Grattan O'Leary to be the banquet speaker at the end. Grattan O'Leary was a Tory but he was always a very-straight-from-the-shoulder type. In effect, he said: "What the hell are you doing? You bring six ministers down here and you have had a lot of presentations and they either say no, no, no, no, directly or don't do anything about it."

If you had moved then on the representations that were made, you would now have a very significant volume of wood material. With the kind of development that is now in mind, it may be a different kind of regeneration you want. You may want to get into hybrid poplar or whatever that would grow more quickly and provide the necessary volume for the development, but we missed the boat 20 years ago. We would have great quantities if we had moved at that time.

However, perhaps you can move now and have it 20 years from now or five years from now, depending on how fast they grow.

**Mr. Wildman:** I have one other thing I wanted to raise. I find this very interesting and I am not quite sure why it comes under this vote. You list peat in your Energy from Waste booklet as one of the biomass sources. That's what I want to talk about. I don't know why you include it as energy from waste. Peat is hardly waste. At any rate, I would like to talk about peat.

**Mr. J. Reed:** The largest inventory in Canada.

**Mr. Wildman:** On page 14, it says: "Methanol can be produced from a variety of sources including natural gas, coal, crude oil, peat and biomass." In terms of methanol, I suppose that's true but I couldn't find peat listed anywhere else, so I decided to raise it here.

**Dr. Higgin:** It's not strictly a biomass resource but that was merely a statement as to the availability of a variety of feedstocks for synthetic fuel production. I think we mentioned natural gas.

**Mr. Wildman:** Yes, you did. I would like to talk a little bit about the Ontario attitude towards the development of peat as a fuel source, not just as a way of producing methanol but as a way of making use of what is a very large resource in the province and one that has not been developed to its potential. MNR has enabled the development of peat deposits for fertilizer and that kind of thing, but there hasn't really been the kind of development that we have seen elsewhere.

I saw a very interesting article recently in a magazine called *NorAct* which is published in northeastern Ontario, dealing with this subject. It quotes comments from two gentlemen. One is a man from the Huntsville area named Richard Thomas and the other, Dr. William Radforth, founder of the Muskeg Research Institute at the University of New Brunswick.

**Mr. J. Reed:** Did you know that Richard Thomas was the Liberal candidate in the Parry Sound riding?

**Mr. Wildman:** Obviously he knows some things anyway. He is talking about peat. He may make mistakes in other areas. I am not sure about that. Dr. Radforth advocates that the mining of peat bogs caused by backup drainage systems be developed in northern Ontario, while at the same time preserving wetlands that are important for—

**Mr. J. Reed:** Just a point of clarification, Mr. Chairman: I don't like to interrupt this, and I regret it, I just want the chairman to rule whether peat is a renewable or non-renewable resource. If we are going to do it on the renewable energy program, I would like to get in on it too.

**Mr. Wildman:** It is nonrenewable; I will accept that. Where do I raise it then?

**Ms. Gigantes:** Let me explain a source of the problem. This glossy booklet, called *Energy from Waste*, says that, of the 27 million barrels of oil equivalent target for 1995 that is to come from energy from waste, perhaps, about a third will come from synthetic liquid fuels, and the most promising sources of synthetic liquid fuels are natural gas, coal, crude oil, peat and biomass.

**Hon. Mr. Welch:** Mr. Chairman, I don't want to get into this question but, as far as I am concerned, it is a relevant discussion. If the only condition about carrying on a discussion is that somebody else wants to get into the discussion, wouldn't that be helpful?

**Mr. Chairman:** How would it be if we carried this vote? The next one is pretty broad along those lines. I think you could get into that.

**Ms. Gigantes:** No, Mr. Chairman. I think it fits better under this one than under conservation.

**Mr. Chairman:** We will have a five-minute break to get our lunch before us, and then we will continue.

**Ms. Gigantes:** We are breaking right in the middle of his question?

**Mr. Wildman:** I don't mind stopping for lunch. I would like to conserve my energy too.

The committee recessed at 12:28 p.m. and resumed at 12:33 p.m.

On resumption:

**Mr. Wildman:** Mr. Chairman, I was starting to point out that Dr. Radforth is advocating the development of the mining of peat bogs in northern Ontario, keeping in mind, of course, that we have to maintain wetlands for the wildlife and the various kinds of vegetation they need. He points not only to northern Ontario, but also to Holland Marsh, where he says there are possibilities as well.

He claims that peat could compete with wood, and that compressed peat has more density than wood and has a greater number of Btu's per unit volume as well as being cleaner and easier to use.

I understand that in the Soviet Union they have developed technology for compressing

peat to form slabs for insulation in domestic housing and for refrigeration; so not only is it a fuel, but also it can be used as a method of conserving energy.

I understand further that in Finland there is quite a concerted effort to develop the peat industry as a result of the escalation of petroleum costs. From a start about 10 years ago, Finland now is at the point of producing an equivalent of 45 million barrels of oil annually from peat, and expects to double that by 1985. Apparently it cost the government of Finland an initial investment of \$1.5 million and approximately only \$10 million over 10 years.

There is a city in Finland where peat is used to run an electric power generator. The heat from the burning of peat is used to produce electric power, which is then piped through the city in a zone heating system. That means they are saving a great deal of energy for the city. This is something we should be looking at in North America, and certainly in northern Ontario, where we have large deposits of the material.

I also read recently that Hydro-Québec apparently is entering a deal where on an experimental basis it is going to purchase technology from the Finns to develop a prototype electric generating station using peat as the fuel source.

I am just wondering what studies have been done by this ministry in relation to these important technological developments that are taking place in Scandinavia and the Soviet Union, and whether we are going the same route as Hydro-Québec in trying to adapt that to our area. What discussions have you had with the Ministry of Natural Resources for the development of the peat deposits in northern Ontario?

I suppose one of the thrusts for Hydro-Québec has been that they have been directed by the government to look at alternative sources for the generation of electricity; so that has prompted them to move perhaps a little more quickly than Ontario Hydro in this direction.

I hope you can answer those questions and tell me what your feeling is. If we were to go into the peat industry in a big way in northern Ontario, I understand that many of the communities in our area could be almost self-sufficient in terms of energy.

**Mr. Rowan:** Mr. Chairman, if I may respond to those questions, I think what the member has done in his remarks is indicate very clearly that there is a variety of possible energy resources available, peat being one of them. In looking at that variety, it is neces-

sary to make some judgments as to the timing when development is possible from, say, an economic point of view, as well as looking at the security of supply and weighing off the economics of developing a new energy source with the security of supply it would give to you, and some of the regional aspects of such developments.

It is interesting and often useful to look at the experience of other provinces and countries and at the priorities they give to various energy forms. But it is not always a good measure of what Ontario should be doing. Their priorities might not necessarily be ours. For example, if you take a look at an indigenous resource such as peat and measure it off against the Btu value that it would provide relative to, say, lignite, it is not as attractive.

Then when you take a look at how peat or lignite might be used, say for the production of electricity, I think it is clear that Ontario Hydro, which has looked at both, has come to the conclusion that if it were to assign, as it has, a priority to the development of those two energy sources, it would prefer lignite to peat.

12:40 p.m.

As you know, the Onakawana deposits of lignite are now being evaluated by Ontario Hydro in conjunction with Onakawana Development Limited. The economic feasibility studies are to be completed at the end of this year or early next year, at which time Hydro will be in a position to determine whether or not it wishes to proceed. At that time it will decide whether an addition of 1,000 megawatts of capacity to its system is needed.

I'm only giving you this background because when one looks from Ontario Hydro's point of view, its view of the need for peat would in large measure be determined by the availability and economics of lignite. To suggest that Ontario Hydro should be doing what Hydro-Québec is doing might not put into perspective the fact that Quebec does not have what we have. We do have lignite as well as peat.

However, peat does offer some longer-term potential as an energy source for Ontario. If I may go back to what we're doing with the Onakawana lignite, we're trying to see how well—if I can use this term—it gasifies; that is, how well lignite can be turned into gas, as an alternative to burning it for the production of electricity. We anticipate we will be doing similar experiments with peat to see if that can be gasified as well and the economics of that.



We're working very closely with the Ministry of Natural Resources. As you indicated—and as that article indicates—we have enormous deposits of peat. What the potential is, however, in terms of turning those deposits into mineable energy is still to be determined.

One of the concerns of the Ministry of Natural Resources is that you have to drain large tracts of land, and there are some significant environmental problems associated with that which can't be overlooked and can't be treated lightly.

None the less, we are looking at peat as a longer-term, indigenous resource for Ontario. It's being put into a very broad timetable or context, a set of priorities. It is being viewed as something that we should be looking at and investigating and getting ourselves ready for. As the economics change, as the source of supply for natural gas that we get from western Canada changes, it may be possible to develop peat as an indigenous resource for Ontario, or for parts of Ontario.

I can only echo your own comments that we shouldn't be overlooking this—and we're not.

**Mr. Wildman:** I appreciate your comments. But I wonder if it is really necessary for it to be a choice between the development of lignite and the development of peat. Why can't the two be going on at the same time? In terms of cost and returns, if these figures that are quoted in this article I was referring to are correct, in Finland, it hasn't been a very great investment on the part of the government for a significant return in terms of saving in other types of energy.

**Mr. Rowan:** I have read that article. It doesn't really give you enough information to be able to make a definitive judgement as to the economics, but it is indicative.

One of the things that comes out of that article, however, that perhaps should not be overlooked is the fact that Finland has used peat to obtain I think it was 45,000 barrels of petroleum or oil equivalent.

**Mr. Wildman:** Forty-five million.

**Mr. Rowan:** Was it 45 million?

**Mr. Wildman:** Yes.

**Mr. Rowan:** Oil equivalent.

**Mr. Wildman:** And they expect that to double by 1985.

**Mr. Rowan:** Yes. My understanding of that sentence is that the peat is burned and they are translating an electrical energy into an oil equivalent production. That's fine. Again, you have to think in terms of Finland's particular circumstances. They do not have

oil reserves as Canada does. They do not have natural gas reserves. I understand they don't have any coal or lignite reserves of any consequence. It is natural that they turn to their next best alternative, peat.

I am suggesting to you that there is an ordering or a ranking that is logical based on economics. I just want to suggest that we aren't ignoring this area. It is the level of activity that is important at this particular time. It may be that you feel that level of activity should be increased, and I guess it is just a matter of resources.

**Mr. MacDonald:** Are you contemplating the Quebec-style prototype?

**Mr. Rowan:** The Quebec-style prototype, I understand, is one where there would be a peat electrical generating station, if it is the same one referred to by Mr. Wildman. At this time the answer to that is no for the reasons I gave: Hydro would not see itself requiring additional electrical generating capacity over the amount committed at the present time, and lignite appears at the present time to be a much more attractive alternative than peat.

**Mr. Wildman:** I understand what you are saying in terms of a province-wide setting of priorities, but surely what is suggested here is a more regional approach in the sense that if you were to look at it from a regional basis in terms of deposits and the availability, in terms of northern Ontario the development might have a higher priority than it might have in terms of the whole province.

**Mr. Rowan:** Let's examine that. I think for the production of electricity by peat with the transmission-line system that we have, the total integration of our province by Ontario Hydro into a transmission network, I don't think the production of electricity in northern Ontario from peat is likely to be a high priority.

Then what are the other possible uses? One is natural gas. You may recall the first evening that we had our estimates there was a presentation here on the TransCanada Pipe-Lines system and the retail distribution system for natural gas. I think one of the very interesting features of that presentation, and also of the way in which natural gas has been marketed in Ontario, is that northern Ontario has some of the highest penetration levels of any community or any of the communities in Ontario where natural gas is available.

The presentation on natural gas indicated we're hopeful that additional communities can be served.

12:50 p.m.

In those communities where natural gas is not now available or is unlikely to be unavailable, where there is an incentive scheme, the present thinking is that one might better go at this time to an alternative like propane, which is easily transported and, provided that the economics can be such that it is approximately the same price as natural gas, it is an alternative for those communities that are not on the natural gas transportation trunk line.

Another alternative, of course, is electricity itself as a source of energy. What would likely then result is that there may be a few scattered, very isolated communities with very few people, and then you are back again to economics, whether the putting up of a peat plant of some sort would be economically justified, I would have some serious doubts, to serve that very small segment of the market. I don't want to be negative about it.

**Mr. Wildman:** There is certain negative feedback, though, in the production of electricity for those communities in the first place under the route that is now used by Hydro in terms of diesel generating stations, which are very expensive and hardly a good return on investment.

**Mr. Rowan:** We are looking at it under our remote power system program. Maybe Dr. Higgin could just briefly review what we are doing there to try to find alternatives to diesel electric for certain communities using low-head hydro, if you would like to hear about it.

**Mr. Wildman:** I don't want to divert this, because my colleague from the Liberal Party has questions he wants to raise on this. To finish off, can I ask a couple of questions? Have you actively investigated what is happening in Finland? Have you done studies of what is going on there in terms of setting your priorities, as background information for setting your priorities?

**Mr. Rowan:** The answer is no, but if you are suggesting a trip over this summer I would be delighted to take you up on it.

**Mr. Wildman:** No, I am quite serious.

**Mr. Rowan:** The answer is no.

**Mr. Wildman:** I would like you to take a look at it in a serious way, because if you are going to decide this does not look as if it is economically feasible at this time, or it should be put at the lower priority level,

surely you would need to have done the studies to make those kinds of decisions?

**Mr. Rowan:** As I indicated, we have not abandoned peat by any stretch of the imagination. We are looking at ways in which peat might be utilized. We're doing some research work that would transform the energy in peat into something that is transportable and more easily used. We would hope to be able to follow the same pattern that we have with lignite.

The economics of peat, as we see them now, based upon the same kind of data on paper audit, if you will, information which is published, suggests that it does not rank highly at this moment. But we are working closely with the Ministry of Natural Resources and with others to refine our assessments of the potential.

**Mr. Wildman:** I hope you understand I am raising this as a possible way of helping to deal with our energy problems, but I am also raising it as a potential industry for northern Ontario. I think that is important to remember. In that situation, have you actively considered the other approach that is also being used in the Soviet Union in looking at peat as a possible resource for the production of insulation and so on, that could be marketable in Ontario?

**Mr. Rowan:** No, we have not. As you know, there is a very active insulation industry in this country that has research and development capabilities that would have the capacity to assess a variety of materials as to their properties. Again I suggest to you the fact that one country has gone one route does not suggest that should necessarily be the route another country goes.

**Mr. Wildman:** I accept that, but obviously the Soviet Union hasn't gone one route; they have gone a lot of routes to deal with their energy problems and also to develop their resources. This is one route among many they have gone. I am going to raise this with the Minister of Natural Resources (Mr. Auld) as well, but all I am suggesting is, this potentially may be a source of economic development for some small communities and some areas in northern Ontario.

**Mr. Rowan:** It could well be.

**Mr. Wildman:** Also, at the same time, it could deal with some of our energy problems.

**Mr. MacDonald:** We have been talking about lignite in relationship to peat, and I wanted to tie in lignite and go back to hydraulic for purposes of putting a question to the minister.

As I understand it, of that great range of hydraulic sites, if I may go back to the hydraulic and return to the lignite, there are 43 sites which are deemed to be economically feasible for development and Hydro has earmarked 17 for action in the foreseeable future.

I am a little curious as to how meaningful a proposition that is. All the testimony we have had before the select committee has suggested that Hydro placed a very low priority on it. In fact, two or three years ago they totally dismissed it as being marginally of such high cost as to be out of the picture. They would compare that with per-unit cost if you had another nuclear giant, forgetting the values of the generation mix and everything else.

In your document, Energy Security for the Eighties the thing that puzzles me with regard to this and the lignite, and potentially the peat if it were to be brought into the picture and given a somewhat higher priority, is how secure is the energy security? You presented a program which I found quite refreshing, at least facing in the right direction—how many steps you took from facing in that right direction is what I am really trying to clarify—when you talked of 2,000 megawatts from the 17 sites and 1,000 megawatts from lignite.

We now find, as we were informed the day after your October 1 press conference by a Hydro vice-president who was before the committee, the study isn't going to be completed until the end of this year. You really don't know whether you are going to proceed with the lignite. I think the deputy just confirmed that. You will take a look at it as to exactly what kind of development, if any, is going to take place.

How secure is your energy security program if the studies haven't been completed, and yet you have spread before us this rather dazzling program of 1,000 megawatts of power by 1995 from lignite and 2,000 megawatts from the 17 of the 43 hydraulic sites? Is Hydro really moving on these? I have yet to see evidence. A year or so ago Hydro was very reluctant even to consider them.

p.m.

My suspicion—to be as kind to my friends in Hydro as possible—is they are going to be brought squealing and kicking into this kind of a program. To borrow the deputy's phraseology: "It is very, very low priority." There has to be some reorienting of the priorities.

How meaningful are those two elements of our proposal in terms of Hydro being the agency for their development?

**Hon. Mr. Welch:** That is a fair question. We will have Hydro before us before these estimates are over. I think we could have the benefit of some questions as well. Certainly the material which is part of this paper stands as our policy statement. One would impose on that statement matters of environmental assessment, economic feasibility studies, and so on, to which some of these projects would be subjected.

At the moment I can only answer the question I have been asked today on the basis of what I have. I have no reason to be dissuaded from sticking to this particular—

**Mr. MacDonald:** I hope you will stick to it. I am with you four square.

**Hon. Mr. Welch:** However, the honourable member does invite some questions to the utility in that regard. In summary, the bottom line of all this is I certainly am committed to this program.

**Mr. MacDonald:** We can question Hydro as to their plans and then come to our own judgement as to how meaningful their intentions are. The thing that puzzles me is whether you fellows talk with each other. You mapped out this program and I viewed it with more enthusiasm than virtually anything else that happened in the month of October. This prospect was a bright way to start that month.

But the very next day we had a Hydro vice-president before us. Your program says no more nuclear commitments in that 15-year period. He says, "Oh, as far as we are operating, we have another one in 1993, beyond Darlington." When we raised the matter of lignite fuel, he said, "I am little puzzled, because as I understand it the study is not going to be finished until the end of 1980 or into 1981." Is there any co-ordination in the long-term planning or even the short-term planning?

**Hon. Mr. Welch:** I wonder if I could make one or two observations. In regard to the honourable member's speeches, I have been getting news clippings from time to time and his assessment of this paper is a bit different from those news clippings. He seems to be spending a lot of time being critical of me for wanting to rely so much on the private sector for some help in this particular matter. That is what I sense from the news clippings.

**Mr. MacDonald:** That is on to the subject of the \$14 billion.

**Hon. Mr. Welch:** That is another matter.

**Mr. MacDonald:** That is another matter. The \$14 billion was the third of the trinity you presented.



**Hon. Mr. Welch:** I am a trinitarian. I deal in threes. To get back to this particular paper and the specific question with respect to consultation, during my term as minister I have been quite impressed by the amount of consultation and indeed the working relationship between the ministry and the public utility. I think it fair to say that a great deal of the work for this particular document was already in place at the time of my appointment.

I cannot speak to all the meetings that preceded this, but certainly I can tell you that as far as our working relationship is concerned, I feel it is a pretty comfortable one. Naturally, when these specific questions are raised, I think they will be the subject matter of some questioning of the Hydro people here. I repeat, I am committed to this

**Mr. J. Reed:** It is intriguing to view this hydraulic program which started off with a great announcement and then has gradually flubbed its way into semi-oblivion. The latest great unannounced move by Hydro was to cut the hydraulic budget of Ontario Hydro from \$2.4 million to \$1.2 million. That represents in terms of the capital spending program about as much as the preservative in a jar of pickles. I do not know how you can take nothing and then cut it in half, but Hydro succeeded in doing that with the hydraulic program.

It is ironic at least to note in passing that Darlington was exempted from environmental assessment, but the 17 hydraulic sites, by golly, are going under environmental assessment, not that we object to them going under environmental assessment. It is simply the irony of the times where we can reject environmental assessment because of the urgency of the day for a Hydro corridor and we can reject environmental assessment for Darlington, but when it comes down to 17 lowly hydraulic sites we have got to put them under environmental assessment.

There is something else we will do before we are finished too. We will submit them to nuclear standards as well so that will ensure that the marginal cost of that hydraulic power will be as high as it can possibly be taken.

**Hon. Mr. Welch:** I don't want to interfere with the member's right to make comments.

**Mr. J. Reed:** I realize I editorialized on that, but it is a revelation that has been coming on for five years and I think it is time to just let it all out.

**Mr. MacDonald:** Mr. Minister, I am persuaded that your footwork down the corridors of power may be a little more deft than that

of some of your predecessors. We are just a little fearful that you too will be mugged.

**Ms. Gigantes:** I think you should give full credit to Mr. Reed. For almost five years now, he has been waging a fierce campaign on behalf of water power in this province, both private and public involvement in water power. It is a major accomplishment that he has managed to get any acknowledgement from this ministry or from Hydro. There is such a thing as developable water power still in this province. There was no admission of that at all when we started.

**Mr. MacDonald:** What we are really looking for is assurance that the acknowledgement has really taken place.

**Ms. Gigantes:** It has taken five years to get that acknowledgement. You can't blame us and you can't blame Mr. Reed, who has put a lot of effort into this, for being suspicious about the pace.

**Hon. Mr. Welch:** I understand.

**Mr. J. Reed:** I thank my honourable colleagues very much.

**Mr. MacDonald:** You are in need of help.

**Mr. J. Reed:** I know. I have always been in need of help.

**Mr. Chairman:** Are you finished, Mr. MacDonald?

**Mr. MacDonald:** Yes, I am for the moment. I have many other matters to raise, but it would be better to do it when Hydro is here.

**Mr. J. Reed:** Just to try to dwell for a minute on the subject of peat, considering that we are addressing it in this vote, there are some things that should go on the record that are timely and may be long overdue. The minister may not know but it might be interesting to him to know that the credit union in Kearney, Ontario, is heated with peat.

It might also be interesting to note at this time on the record that Professor Radforth, who is retired from the McMaster University and now lives in Parry Sound, has stated that if Canada's energy requirement for some unforeseen reason had to be transferred into peat utilization suddenly, we would have enough inventory in Canada for 1,000 years. That gives one some idea of the immense inventory of peat. Canada has the fourth largest inventory of peat in all the world. Ontario, according to Professor Radforth, has the largest inventory of peat in Canada. That is quite an interesting sort of observation.

Perhaps the minister might be interested in the Finnish attitude towards the environment.

tal impact because the deputy brought up that concern. The Finnish experience is that after the harvesting of peat, all the peat is not removed from a deposit area. Some of it is left and, in the process of removal in some cases, water controls are necessary. While that has an environmental impact, it can turn into an advantageous environmental impact because the result is a prepared area that can grow species of trees that that area could not support before and can therefore become a very highly productive part of the province. 1:10 p.m.

When one is looking at the overall assessment of the potential for peat utilization, one should consider that there may be some very positive environmental aspects towards that utilization where one goes in and mines it, but, in so doing, must prepare the site and in the harvesting process also prepares the site for a very comprehensive reforesting program.

We talked about the fact that in Finland the electricity is being generated with peat. Ireland is generating electricity with peat and the old concept of the square blocks coming up out of the bogs has been replaced with harvesting equipment in both these countries that is simple and very applicable, so there is no holdup with technology. As a matter of fact, our good friend Richard Thomas, whose name has come up here before, is in the process of bringing harvesting equipment over from Finland, which is very simple direct equipment. It's a farm type of harvesting equipment and it would appear there is going to be a market for peat in simple competition to firewood in urban areas.

Compressed peat using the mechanisms that Finland has used is harvested by a very simple squeeze auger system that ejects the water from this peat through a die. It sits on top of the land in a windrow and then is harvested at a later date as a block of extruded peat. It can be burned in the same manner as firewood, with a hotter flame, less ash residue and all sorts of nice goodies. It doesn't put any sulphur into the air or do anything any more detrimental than the simple burning of wood. There are uses above and beyond the conversion to electric power, which might be more appropriate in Ontario than moving to electric power.

There is also the consideration of the utilization of peat for alcohols, either methanol or ethanol, depending on which technology emerges as the most economical. Peat has great potential in that area because it can be a reasonably standardized kind of feedstock that I think could make a contribution, not just on a small scale to support the

economies of small communities in the north, but perhaps on some larger scale.

Perhaps the one thing I would like to ask before I leave this business is about the question of mining licences for peat. Can the minister tell us if the process of going into crown land to harvest peat would be a process similar to the obtaining of a mining licence?

**Mr. Wildman:** They already do. They extract peat from crown land.

**Mr. J. Reed:** On crown land or privately owned land?

**Mr. Wildman:** On crown land, because they can get a permit from the Ministry of Natural Resources.

**Hon. Mr. Welch:** Under licence from the Ministry of Natural Resources.

**Mr. Wildman:** They can get a licence from MNR.

**Mr. J. Reed:** So the information is there is no real impediment then for going in to harvest peat now?

**Mr. Wildman:** Perhaps the minister would comment on it. It's my experience that MNR is very reluctant to give out licences. It does, you can get them, but certainly in our area MNR would prefer to be able to mine those resources itself for its own reforestation program, and it is not too interested in giving out licences on a widespread basis in the large peat deposits in our area.

**Ms. Gigantes:** It may be wise to make sure that we have some overall policy for the development of this resource. We really can't call it harvesting; it's a nonrenewable resource and it took thousands and hundreds of thousands and millions of years to develop that peat bog.

**Mr. Wildman:** I agree with my colleague with regard to the possibility of opening up new areas for reforestation, which is significant, there is also the other detrimental and possible detrimental environmental impact on migratory birds and so on of draining some of these areas.

**Ms. Gigantes:** They don't want to turn it into a gravel operation.

**Mr. J. Reed:** Although I would say in Finland, they don't take it off. There is a site plan and that sort of thing.

**Ms. Gigantes:** Mr. Chairman, could I ask the minister please to devote 15 minutes to having a discussion with the Speaker of the House (Mr. Stokes) concerning wind? As long as I have been here and Julian Reed has fought on behalf of hydro developments, the Speaker of the House has been fully engaged

in attempting to get wind projects developed for the remote northern communities, and the latest development apparently is the emplacement of another demonstration project in Sudbury, which is not—

**Mr. J. Reed:** He's thinking of harnessing the Legislature.

**Ms. Gigantes:** He will give you a real run-down on that, Mr. Minister, and I think it is worth your while to sit down and speak to him about it, because I consider his point of view on this to be eminently practical.

**Hon. Mr. Welch:** I would agree to that. I recently had a letter from the Speaker following his visit to our exhibit at the opening of estimates, and he has shared some comments with me.

**Ms. Gigantes:** Good. I hope you will take them to heart, because as he has expressed it over the years his points are very applicable.

Second, as a simple matter of information, I understand your tender for proposals for the feasibility study for the Edwardsburgh-Angusta township project has a deadline of May 2. When do you expect to let that, and will you let us know who has made what kinds of applications on it? I think that would be of great interest to people.

**Hon. Mr. Welch:** Is there a progress report on that, Dr. Higgin? We have the invitations out.

**Ms. Gigantes:** Yes, I have a copy of one.

**Dr. Higgin:** You have a copy of the terms of reference? Okay. As far as the selection process is concerned, that is going to be conducted by a small steering committee according to preset criteria, as far as selecting the consultants is concerned.

We cannot indicate any more, other than who submitted proposals. The content of those proposals in many cases is considered proprietary, but certainly we can provide a list of those who do submit in response. We are actually hoping to encourage teams of people with various expertise, because it is a multidisciplinary study. We require expertise in wood supply economics, we require expertise in engineering technology and we require expertise in economics and finance and also in considering regional economic impacts and this type of thing with such development.

**Ms. Gigantes:** When do you expect whoever wins the contract will be able to get under way?

**Dr. Higgin:** It would be our objective to start work June 1. It would depend on the

complexity of sorting out the proposals. It may well be that we will have to conduct interviews with a short list of consultants in order to select the best consultant. If that happens, then this will delay the process by a couple of weeks.

**Ms. Gigantes:** Would you have to go through a federal review?

**Dr. Higgin:** No. The project may be submitted for consideration under the bilateral agreement, but that decision has not been made.

**Ms. Gigantes:** You just go ahead with your project and then you submit it?

**Dr. Higgin:** There is a whole batch of projects now being submitted to the federal government and it is at the point that we are just getting the final list together. I can't say whether this one will be on it, but right now we are proceeding on the basis that we are going to fund it totally. We have to do that anyway, as you know, because we have to gross budget all of the projects in any case.

**Ms. Gigantes:** Has the minister ever had any contact with Reverend Patrick Doran about the solar project of the Anglican Church in Ontario?

**Hon. Mr. Welch:** Yes, he and Bishop Bothwell and one other gentleman have been in to see me in connection with the work at Moosonee.

1:20 p.m.

**Ms. Gigantes:** I was talking in particular about a report which I read in Canadian Renewable Energy News, the March issue—

**Hon. Mr. Welch:** In London?

**Ms. Gigantes:** —in London—in which he was quoted as being pretty critical of the ministry's inability to get it together to support the kind of solar project that St. Barnabas Anglican Church had undertaken.

**Hon. Mr. Welch:** The one they were talking to me about was the Church of the Apostles in Moosonee, and it was a wind—

**Dr. Higgin:** It was a combined wind and solar project. At the time they talked to us the London one was already under way. I can't recollect when they talked to us previous to that—I think they mentioned London at the meeting, that it was under way.

**Hon. Mr. Welch:** Just to have it in perspective—you're quite right—the specific purpose was to see whether we might find some way to make some funds available for the Moosonee project.

**Ms. Gigantes:** He said in the opening ceremony at St. Barnabas: "Even though the



Ontario Ministry of Energy was approached for funding, and even though we were turned down, the people of this parish have made this possible by covering over half the cost of the installation." The report goes on: "Doran then wondered aloud about the incongruity of a government ministry which verbally supports renewable energy but which backs down when it actually comes to doing something concrete."

**Mr. Wildman:** They're accusing you of being a blackslider.

**Ms. Gigantes:** Are you an Anglican?

**Hon. Mr. Welch:** Actually, Bishop Bothwell happens to be my bishop. He's been in to see me from the national church.

We were having some frank discussions about that particular project in Moosonee. I'm not really familiar, other than as a matter of information, with St. Barnabas, London, coming up as a specific request. I want to come back to the question, because I want to be correct on that. Is that right?

**Dr. Higgin:** I can't recollect. It's possible. Once they heard about the bilateral program many people sent in letters of interest. At that time we were not in a position to respond to these and we informed them accordingly. It's possible they did approach us in that context, but I can't recollect that specific one.

**Hon. Mr. Welch:** I'm wondering if I could use this as an opportunity to show you what happens when we're faced with specific requests like that. I have recently written to Bishop Bothwell, following his letter to me indicating his disappointment with respect to the meeting we had had with the specific request to be helpful.

**Ms. Gigantes:** You mean you are going to turn down Moosonee too?

**Hon. Mr. Welch:** What we suggested under those circumstances was that we really weren't looking for any additional projects with respect to studying the whole area of wind generation. We had a number under way. In fact, I think subsequent to that meeting we released one of our reports.

I invited him and those who were in to consider whether some of this very expensive research might be best left to be done the way it's being done now, with respect to research councils and ministries working out some of these areas. Wouldn't they be far better to direct a fair amount of attention on a church-wide basis to the whole question of conservation? Given so many resources and so on, wouldn't there be some point in really concentrating on conservation

programs when you think in terms of the energy consumption with respect to the number of church buildings there must be?

I wanted to have the meeting on a very positive basis. It wasn't discrediting the advantages that may come with respect to one church using wind and solar in combination, or discredit any of those particular experiments. Weren't there greater benefits from a conservation effort?

**Ms. Gigantes:** Mr. Minister, if you want to make a theological comparison it seems to me that conservation is like morality, but when you're dealing with renewable energy you're talking about faith. Perhaps they want to bear witness in a particular way in the Anglican Church that this ministry should be supportive—

**Hon. Mr. Welch:** If you want to get into some theological problems, I think we could perhaps engage in that.

**Ms. Gigantes:** I'm distressed to hear this because it relates in some ways, I think—I don't know anything about the Moosonee project, but if they're talking about the development of a major project in a church in Moosonee that will be using wind generation of energy it raises very much the same kind of question as has been raised year after year by the Speaker of the House (Mr. Stokes) about whether you test out this kind of technology in an area which would actually use it, not putting up a windmill on Toronto Island or in Sudbury, where you know you are not going to use it.

**Hon. Mr. Welch:** Have you seen the study following the Toronto Island experimentation?

**Ms. Gigantes:** I think I have looked over it. I have never seen anything on the work that has been done that has grabbed me in the way I have been interested in the kinds of proposals that the Speaker suggested. There is nothing partisan about this.

**Hon. Mr. Welch:** I am not suggesting there is.

**Ms. Gigantes:** He indicates the kind of market in Ontario, the place where you can expect there will be a market for wind development. It is not in those areas that the experimentation has been going on.

**Hon. Mr. Welch:** You are just illustrating something which fast comes to the attention of any Minister of Energy, that there may be far more excitement and far more arresting features to experimentation in wind generation than there is in what to many people would be the daily and almost monotonous message of conservation. I suggest

to you—and we will get into this in our next vote—the saving that we can make by attempting to translate the conservation ethic, which has got to be a message that can be shouted from every pulpit in this province, if not country, is just as valid as a message with respect to moving to some alternative forms.

**Ms. Gigantes:** It's the morality of a new energy religion.

**Hon. Mr. Welch:** It is a matter of making some decisions on this thing.

I invited the church, and I don't mind saying this very positively, to really consider whether pouring even substantial amounts of its human and financial resources into one wind project some place in Ontario, knowing that there is a fair amount of experimentation with respect to that going on in other parts of Ontario as well, from which the church and every one would benefit, was really a proper ordering of priorities when one considered the tremendous contribution which the church could make to the question of conservation, when you think in terms of the real estate, the buildings which it has.

That's a value judgement. I have invited the bishop and others to think that one out. Think in terms of what all the religious denominations and other faiths could do in making some concerted effort with respect to demand.

**Ms. Gigantes:** I am not at all sure they have not. You may be setting up a question which they have already begun to answer. I don't know. You may not. I will leave that one for the moment.

**Hon. Mr. Welch:** Maybe we are both right from the standpoint of the contribution that can be made. But I will tell you, Grace Church in St. Catharines, where I go, is not going to put a windmill up. The church that you may go to in the city of Toronto is not going to put a windmill up.

**Ms. Gigantes:** That's fine.

**Hon. Mr. Welch:** But the church you go to and the church I go to, the churches we all go to, can effect all kinds of significant savings with respect to the consumption of energy.

**Ms. Gigantes:** Right on.

**Hon. Mr. Welch:** So it is a matter of where you are going to go for the most effect immediately.

**Ms. Gigantes:** Moosonee may be a better place to go to than Sudbury.

**Hon. Mr. Welch:** Maybe.

**Ms. Gigantes:** Let us leave that one behind. I would be very interested in hav-

ing made available the correspondence that you've had with the bishop on this question.

I have one further question. Has the minister had a chance to review the announcement by the Quebec government of the setting up of what they call Société Nouveler? This is a renewable energy corporation with substantial funding, which will be 35 per cent owned by Hydro-Quebec, 35 per cent by General Investment Corporation of Quebec, another provincial agency in industrial development, 15 per cent by Rexfor, which is into investments in forest industry projects, and another 15 per cent by Soquem, which is the mining exploration development of the province? Have you had a chance to have a look at what their planning is? Have you had a chance to have any discussions with your counterpart in Quebec about their proposals?

**Hon. Mr. Welch:** I have not had any conversations with my counterpart in Quebec. I am familiar, in an overview way, with respect to what you have just mentioned. I suppose to some extent it may resemble what we hope to do through the Ontario Energy Corporation, in particular with one of the subsidiaries which we have announced dealing with alternative energy. I take it that people charged with this particular concern are finding different ways to meet it, and I make no value judgement.

1:30 p.m.

**Ms. Gigantes:** They are talking about an initial funding of \$50 million in the expectation that over the next few years they will be putting in \$300 million. The article I am reading, again from Renewable Energy News, does not indicate the time horizon for the \$300-million investment. Obviously that is a major undertaking.

I am comparing that with what we had last year in your opening statement to us in estimates, in which you quoted from Energy Securities for the Eighties. You said, "The Minister of Energy will establish a renewable energy development organization in co-operation with the private sector and Hydro." And you continued, "Ontario will seek participation from the private sector, particularly in the petroleum industry, and Ontario Hydro, in financing the capital and operating expenses of the renewable energy development organization."

I am just wondering how much further you have got towards sorting out those little tidbits that you threw out last year and whether the government would consider the kind of program that involves €

totally new entity but incorporates the expertise, the ownership and the personnel of Hydro-Quebec into the effort, along with other government bodies which have a direct interest in developing renewable energy technologies in Quebec.

**Hon. Mr. Welch:** As part of my get-acquainted program some months ago, I met with the senior people from the petroleum industry, and included on that agenda were questions related to the renewable energy organization, as it was referred to at that time. Following those meetings, I asked my deputy, in his capacity as president of the Ontario Energy Corporation, to bring together the nominees which each of these presidents and chief executive officers had made available from the standpoint of follow-up discussion. There were some meetings, and I will ask him to report on those.

To some extent, as we were developing this, and keeping in mind that by this time there was also some indication by way of announcement that the federal government was thinking in terms of its renewable energy approach—I am not sure whether it was going to be a subsidiary of Petro-Canada or what—we then dispatched people to go down and talk to Petro-Canada and to find out exactly what this was about.

When you think in terms of the resources that are going to be needed in this area, there is little reason to encourage duplication; so it was a case of finding out what was going on in other jurisdictions—the example you raised from Quebec is another good illustration—to find out who was doing what so that if that is being looked after we can move into some other areas. So there were some meetings in Ottawa with the Petro-Canada people to ascertain what they had in mind.

In my meetings with the federal minister within the last couple of weeks that was on our agenda as well, as I mentioned before, along with a number of other issues. This was all preceded by the fact that I wanted to see the role of the Ontario Energy Corporation expanded, and we developed the idea with respect to these four subsidiaries dealing with energy resources, power sharing, alternative energy and energy in transportation.

What I haven't worked out in my own mind yet, to be very honest with you, is the relationship now between what you might call the renewable energy organization and the alternative energy corporation, which would be a subsidiary of the Ontario Energy Corporation, but we hope we can work out a relationship there which would be in the

best interests of the renewable energy emphasis, which there must be.

**Ms. Gigantes:** One of the things that concerns me is that this may be yet another area where, by the time we have sorted out what the federal government intends doing, if anything, how we can make Ontario's programs jibe with that, if at all, what the role of the petroleum industry might be in all this and Ontario Hydro's willingness or interest in participating in specific programs, we will be five or 10 years down the road, and Quebec will have a major renewable energy corporation effort well under way that will put us to shame, developing the kinds of technical expertise and industrial base that will leave us looking like tired runners on the track.

**Hon. Mr. Welch:** I appreciate that comment, and if I left the impression we were doing nothing it was a wrong impression to leave. All I was pointing out to you was that many of these things are under way: the organizational approach and indeed the work of a corporation, which itself will be a subject matter of some discussion in this committee.

The point I was trying to make was, I thought, a very valid point that you were making: How much consultation was going on? Did we know what was going on in some other areas? I feel, as I say, in an area as exciting as this and with the potential that it obviously has, there is no sense in duplicating. It was simply a case of making sure that we were plugged into—

**Ms. Gigantes:** Not necessarily duplicating. If the federal government ever gets its act together on this, it might come along and say: "We don't want to duplicate you. Here's some money for the kinds of projects you are interested in. We will support and encourage those at the federal level." It seems to me that these resources are renewable, and there are new technologies involved, but they are resources for which the province itself is responsible, and not the federal government.

**Hon. Mr. Welch:** Short of sounding boastful on behalf of the province, I would think that the leadership that is obviously being shown in this province by some pretty dedicated people in this ministry is well known. They are under great limitations with respect to sheer numbers and time.

**Ms. Gigantes:** What I am trying to suggest is that there is a limit to the marginal returns you can get from co-ordinating with the federal government, let alone co-ordinating with every ministry, the petroleum asso-



ciation, Ontario Hydro and so on. At some point we have to make some pretty crisp decisions about where and how we are going to be putting our financial resources to get the energy resources we need. I suggest to you that time is very close.

We have watched what has happened at the federal level in terms of their attempts to develop their renewable programs, and it has not exactly been an inspiring model so far. If they are going to get sorted out who owns what and whether Petrocan is the operating agency or whether there is going to be a totally new renewable energy corporation run under some other kind of structure at the federal level, they are all weakened. You can sit there and predict how long it is going to take.

Co-ordinating is great if we have time and money to waste. It seems to me we should take a good look at the kind of ventures that Quebec is now prepared to commit itself to. The whole list of them is outlined in this article. I won't read them all, but they are exciting. I think it would be well worth your while to sit down now and make a personal evaluation of whether it is not worth undertaking an Ontario initiative which doesn't forever get bogged down in extraterritorial, extrajurisdictional and oil corporation consultations and co-ordination. You can go too far that way.

**Hon. Mr. Welch:** We felt there was some advantage, and I still feel there is some advantage, in making sure that we have the private sector involved in these matters and obviously Ontario Hydro. I repeat, it doesn't mean we have been doing nothing. Indeed, if it were appropriate we might even share with you some of the things we have in mind, but that could be discussed at the time of the Ontario Energy Corporation discussion in these estimates.

I agree with you, there is so much going on in other places that there is no reason why we shouldn't be attempting to pick up and carry on with some of these good ideas if they fit our circumstances.

**Mr. G. I. Miller:** Mr. Chairman, I have a couple of quick questions. I noticed this picture on solar heat in regard to housing and perhaps it has been dealt with considerably, but is there any indication of an increase in costs to the home owner by having this attached to homes? What is the figure?

**Hon. Mr. Welch:** Maybe Dr. Higgin could answer.

1:40 p.m.

**Dr. Higgin:** Perhaps I could respond. I don't have the specific figure for that par-

ticular project, but it was a site-built system which is one of the lower cost approaches. My understanding is it put a premium of about 15 per cent on the house. I think the total solar system was around \$10,000.

**Mr. G. I. Miller:** For the unit?

**Dr. Higgin:** Per unit.

**Mr. G. I. Miller:** What is the lifetime of a unit?

**Dr. Higgin:** That is one of the unknown factors at this point. Some systems have failed to perform adequately after more than a year or two and some have performed for 10 years. The question is, why do the ones that performed for 10 years perform for 10 years and what is it that makes them work?

Most people would say the short-term objective would be to build systems that would last for 10 years. We are not too far away from having that objective in place, but that still would not make solar economic in the marketplace, even if the units did last 10 years.

**Mr. G. I. Miller:** What is the saving, from a heating point of view, for a home?

**Dr. Higgin:** I think the contribution from that particular system is probably listed in the brochure there. I believe they were expecting something like 40 to 50 per cent of the contribution to come from the solar heating system. It is probably in here.

**Mr. G. I. Miller:** I was just wondering, when they are building the new town of Townsend, which is a new concept town, whether it would be an area where it would be practical and should be promoted.

**Dr. Higgin:** I would recommend a slightly different approach on that, a combined approach to include urban planning with respect to the site to ensure the buildings are well planned and oriented in the right direction to make maximum use of the climate available in that location and consideration by the builders to incorporating a passive solar component in the designs. Within the sort of time frame of five years, those are really going to be the things which are practical to achieve, at least on a subdivision basis, plus energy conservation, higher levels of insulation, controlled ventilation, and the other aspects of good housing design and construction.

Passive solar subdivision design is probably going to be here before we see widespread application of the active systems.

**Mr. G. I. Miller:** Has the minister had any discussion with the Minister of Housing (Mr. Bennett) in this regard?

**Dr. Higgin:** This is probably not the vote to raise it, but we have issued a publication called *Subdivisions and Sun*, which is intended as a guide to planners, and we have been conducting a number of seminars. Perhaps that would be more appropriately handled under the conservation vote coming up, because urban planning is an area now dealt with under the conservation vote since it is much broader than just solar energy systems. There are many other aspects of urban planning.

We have been involved with that and, as you will find in the next vote, we have had a working relationship in place with the Ministry of Housing, but I think we will leave that until the next vote.

**Mr. G. I. Miller:** Does the minister have a package—and I think our critic asked the question previously—for promoting the generation of electricity? In my own riding they built a new dam on the Grand River at a cost of \$2.25 million or \$2.5 million. Perhaps some of that money could be retrieved if one had the proper equipment for generating electricity.

Do you have a package that would promote that or give some idea about it that would be feasible and which I could present to the town of Haldimand where the dam site is located, or to the Grand River Conservation Authority? Do you have any information along that line?

**Hon. Mr. Welch:** I would imagine that is where we would find some expertise in Hydro. I would be glad to put you in contact with the proper people in Hydro to explore it.

**Mr. G. I. Miller:** I would like to have some information to give to them to see if it would be feasible or saleable or if they would be interested in utilizing it.

**Hon. Mr. Welch:** We could put you together with the right people to talk about it.

**Mr. G. I. Miller:** Do you have any material I could give them to let them decide if it was feasible? I want them to do the work in making that decision. They have done some research on it up to this point, and I know our critic has given me some information, but I wondered if the ministry had anything that I could hand to them.

**Mr. Rowan:** If I may, Mr. Chairman, in part of the guidelines that we discussed earlier, the road map, might be the sort of thing to which Mr. Miller is referring. In

addition, and in lieu of that being available right now, I think it would be very helpful to the people that you have in mind, Mr. Miller, if Ontario Hydro personnel were apprised of the circumstances. They would be quite willing to discuss the potential that particular site has.

**Mr. J. Reed:** Don't let them do a feasibility study though. Don't let them do it. They'll just tell you no.

**Mr. Rowan:** They would also be able to indicate the markets, if Hydro is a market or if there would be alternative markets that the proponents of the project might wish to investigate.

**Mr. G. I. Miller:** My information is that they will buy hydro from private systems at set figures. Is that correct?

**Mr. Rowan:** Yes.

**Mr. G. I. Miller:** Do you have those figures?

**Mr. Rowan:** This is Hydro's information. That is why I am suggesting that Hydro would be the best place to go. It really does depend on the circumstances of the project, whether the whole project is economic. This, I am sure, would be the sort of information that they would want to know early. If you like, we would be very happy to help you put the two parties in touch with each other.

Vote 2003 agreed to.

On vote 2004, energy conservation program:

**Ms. Gigantes:** I would like to ask, as I did when we looked at the renewable energy vote, whether the ministry at this stage has any information that it can give us yet on spending of conservation accounts?

**Hon. Mr. Welch:** The answer is no, for the same reasons given when the question was raised in the last vote. We are still waiting for some journal entries from other ministries.

**Ms. Gigantes:** My understanding is—that covers the two votes that we are looking at today—most of the personnel who are going to be hired and the positions that have been approved for an increase in staff at the ministry will come under those two program areas. I do not think we ever got a final number from the deputy minister when we discussed this matter in the opening discussions of the ministry estimates as to how many of the positions that have been authorized have been advertised so far.

**Mr. Rowan:** My understanding is that practically all of the positions have been advertised. You may not have seen a large number of specific jobs advertised because we tried to structure it so that one advertisement covered a number of particular positions. In getting inquiries or interest from individuals about a particular advertisement, we are then able to draw from that list of people through the interview panels that have been set up.

1:50 p.m.

**Hon. Mr. Welch:** I think, Mr. Chairman, you have a memo and will know what numbers we are talking about.

**Mr. Rowan:** I indicated the other day that of the 47 people, 29 would be assigned to the conservation and renewable energy programs.

**Ms. Gigantes:** Moving from that very general concern about the staff levels, we are talking about the item which contains most of the budgetary allocations of the ministry and on which the minister has placed most emphasis in his recent speeches, much to the delight, I think, of critics in the opposition.

We have been very heartened by his new insistence, as he just outlined it, to the chagrin of the Anglican Church these days, that people put their money in caulking before they put it in solar panels. That is a perfectly reasonable and useful kind of direction for the minister to be pursuing.

Again, as with the renewable energy accounts, the thing that dismays me is our inability to come to grips with the specific projects that the ministry is undertaking, the amounts that are allocated, the time schedules that are associated with the targets and any ways in which we could apply some kind of evaluation to the fiscal allocations.

This is an area where it is one thing to say on renewable energy, "We can't give you an overall assessment of how well we are doing yet," but when you get to conservation programs it ought to be possible to document in a very sharp fashion exactly what energy payoffs we are getting from what investment.

As I thumb through the speeches and statements and press releases and everything else, I have picked up little bits of information here and little bits of information there. The documentation provided for our estimates this spring is not as complete as last fall, and even last fall's documentation left a lot to be desired. I think the minister will recall our pointing out to him that even within the government itself, and the conservation programs that were being under-

taken by government directly in government buildings and so on, there wasn't an identification of the payback that the conservation efforts were giving.

There was an accounting in which one saw the cost of the conservation effort and one saw the result of the conservation effort but the accounts were not presented in a way that one could subtract the benefits from the costs and come up with at least a beginning stab at understanding what the payback was going to be or how long it was going to take for this kind of effort to pay for itself.

I am wondering whether the minister has managed to get that kind of accounting changed. I am wondering why in the documentation we have been given, for example, for the five-year program of energy conservation in government buildings—I should call it efficiency, shouldn't I, after all my lectures about it?—the 1976 to 1981 program is still being identified as the target, as I understood the years with a target of an energy efficiency benefit of 15 per cent, when we have already surpassed it. Why isn't there a new target identified? How much more can he expect to see in terms of benefits coming from energy efficiency programs within government?

My understanding from the minister's speech to the University of Toronto student law society on March 13 was that he had seen energy efficiency benefits of 18 per cent in three years in that internal government program. Is there more yet to be gained?

I was interested in the speech from the throne identification of a program of commercial building code standards for energy efficiency. Where the devil are residential building code standards? This is something that the government has been talking about as long as I have been at Queen's Park. I would like to know what the problem is and what the minister expects to be able to do about not having reformed residential energy efficiency building code standards at this point.

I would like to know what the minister feels should be done about industrial cogeneration and about the way industry seems at this point to be underestimating the benefits of life-cycle accounting for energy efficiency installations. I would also like to know how the minister foresees reaching the goal of a 10 per cent energy efficiency benefit within the transportation sector by 1985.

I understand from the advertisement have seen in one of the papers that you are in the process of hiring a transportation policy adviser. Some of the concerns that



ministry personnel have lobbied for were included in last night's budget. I would like to know how they are going to effectively help in the transportation area, and I would like some overall assessment of what you expect from the Canadian Home Insulation Program.

My understanding from information provided to me before the estimates, on request, was that CHIP, covering houses built prior to 1961, would apply to 1.4 million housing units in Ontario. I am trying to remember what the total number of housing units in Ontario was. It seems to me it was something like 2.8 million. I wonder how many of this 1.4 million group are rental units, and what kind of potential still exists under the CHIP program.

One of the things that concerned me about the budget last night was the indication that the government would provide elbow room for borrowing from the Canada Pension Plan or Hydro. I would like to know the level of the interest rates available under that kind of borrowing by Ontario Hydro. Did the minister give any consideration to the idea that it might be a better use of the availability of those low-cost funds to initiate loan programs for conservation and energy efficiency purposes than to give Hydro elbow room in a very cheap source of capital funding?

**Hon. Mr. Welch:** There are a few questions there and I would like to get the information. That might be a good place for us to start when we convene tomorrow night, unless the gentleman from Halton wants to put any other questions on the record just now.

**Mr. J. Reed:** Perhaps I could put one question and maybe the minister would be able to have some information by that time. It concerns the business of the co-operation among all ministries regarding energy conservation and what standards your government is now imposing on itself for new buildings and for energy efficiency. I had a disturbing report from a source regarding a Ministry of Government Services building that still requires one-half inch of fibreboard in the roof in a heated building. I find that hard to believe. In keeping with the spirit of the ministry's policy of making energy conservation an integral part of every ministry, perhaps the minister might have some information on what standards the government is imposing on itself.

I have some other questions, but I will leave them until later.

**Mr. Chairman:** The meeting will adjourn until eight o'clock tomorrow evening, and I understand we are to start at seven o'clock on Tuesday evening.

The committee adjourned at 2 p.m.

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**From the Ministry of Energy:**

Higgin, Dr. R. M., Director, Renewable Energy  
 Johnson, S., Project Engineer  
 Rowan, M., Deputy Minister



No. R-8

# Legislature of Ontario Debates

## Official Report (Hansard)

**Standing Committee on Resources Development**  
Estimates, Ministry of Energy

**Fourth Session, 31st Parliament**  
Thursday, April 24, 1980

Speaker: Honourable John E. Stokes  
Clerk: Roderick Lewis, QC



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# LEGISLATURE OF ONTARIO

## STANDING COMMITTEE ON RESOURCES DEVELOPMENT

THURSDAY, APRIL 24, 1980

The committee met at 8:05 p.m. in committee room No. 1.

### ESTIMATES, MINISTRY OF ENERGY

(continued)

On vote 2004, energy conservation program:

Hon. Mr. Welch: Mr. Chairman, yesterday afternoon we were asked questions with respect to our energy conservation program. I would like to attempt to deal with each of these questions in order.

In the first place Ms. Gigantes asked, in respect to government buildings and their conservation programs, that I identify the payback which conservation efforts are giving, what the payback was going to be and how long it was going to take for this kind of effort to pay for itself.

In regard to the energy conservation program at provincially owned government buildings, several hundred office buildings are owned and operated by the government. It is my understanding there is some 33 million square feet. Energy consumption is large—\$23 million in 1976-77. We feel there are significant savings to be made here.

There are two major thrusts to our program involving provincial government buildings: First, a cabinet directive issued in October 1976 requiring a 15 per cent energy reduction in government buildings and, second, the example set by government is being held up as an example for municipal, private and commercial building operators.

The background to this is that an ad hoc interministerial committee in 1976-77 laid out the extent of the problem and the method of approaching it. It established the total area of commercial-type buildings—the 33 million square feet. It established the quantity of energy consumed in 1976-77 and that year is being used as our base year for the purpose of comparison.

It established the 1976-77 energy costs at approximately \$23 million. It agreed that a central group located in the Ministry of Government Services should co-ordinate and

direct energy conservation activities in all government owned buildings. Finally, it reported the cost avoidance to the fiscal year 1978-79 as \$7 million and the cost of the program to the fiscal year 1978-79 as \$3.4 million, the overall payback being two to one.

8:10 p.m.

Concerning the current status of this program, in the first place, 22 people were hired for the central group in the Ministry of Government Services. Second, the data collection and computer tabulation program is proceeding. Third, savings reported to 1978-79 exceed 15 per cent for all buildings, including those operated by the Ministry of Government Services and those operated by other ministries. They exceed 19 per cent for the Ministry of Government Services buildings—that is 11 million square feet of public space operated by the Ministry of Government Services.

Fourth, seminars have been held throughout the province for the benefit of government operational and maintenance staff. Fifth, five case studies have been published and distributed to a wide audience of government and private building managers. We have copies of those if members would like them.

There is a cost payback resulting from operating techniques—this is simply turning lights off—which averages about one year. A cost payback for upgrading or changing equipment averages about six years. We would say that the equivalent annual energy savings, in terms of barrels of oil equivalent, is 130,000 barrels.

A large number of public buildings supported by public funds, but not directly owned and managed by the government, are large users of energy as well. These facilities would include community colleges and universities, general hospitals, primary and secondary schools, correctional institutions and public housing. Energy conservation in these buildings, as you can recognize, can result in substantial cost avoidance as well.

The Ministry of Energy has also supplied what we refer to as seed money for energy conservation studies and demonstration projects to the government ministries directly responsible for the funding of their particular activities. The size of the task is perhaps indicated by the areas we are talking about: colleges and universities, 40 million square feet; elementary and secondary schools, 190 million square feet; hospitals, 59 million square feet; and Ontario Housing, 65 million square feet.

The estimated 1976-77 base year energy costs in this connection exceeded \$230 million. The participating ministries are providing funds and personnel to develop on-going energy conservation programs with appropriate hospital boards and school boards and housing and institutional authorities.

Just a quick report on the current status. The Ministry of Colleges and Universities has exceeded the 15 per cent energy savings goal, and expects annual cost avoidance of at least \$14 million. Over 4,500 primary and secondary schools have reported energy savings of 10 per cent for their second full reporting year, and expect a cost avoidance of some \$7 million.

The Ministry of Community and Social Services has applied the funds supplied by the Ministry of Energy to the support of consultants' studies on a range of nursing homes which are to be used as the basis for efficient energy management of their facilities. A nursing home in Kitchener, I'm told, has reported savings in excess of 50 per cent since it initiated an energy conservation program in 1974.

The Ministry of Housing is in the process of developing a computerized data collection system for all public housing stock.

The five-year program of energy conservation in government buildings, for the years 1976 to 1981—so much for the first question; I'm into the second question—

**Ms. Gigantes:** May I ask about that, Mr. Chairman? Are the funds that are being used as seed for the analysis of energy use and the proposals of ways to avoid energy use within these programs—are all the seed funds coming from the Ministry of Energy program?

**Hon. Mr. Welch:** Yes.

**Ms. Gigantes:** How much does that amount to annually at this stage?

**Hon. Mr. Welch:** Perhaps we could report on it with respect to these estimates before us now.

**Ms. Gigantes:** We don't have any of that information.

**Hon. Mr. Welch:** That's why, in responding to the questions yesterday about why the books aren't closed, we had to sub some of these entries that we're expecting back.

**Ms. Gigantes:** I do not think we ever did have such a breakout.

**Hon. Mr. Welch:** Last year we were talking about \$6.5 million.

**Ms. Gigantes:** Does that come out of the energy conservation projects?

**Hon. Mr. Welch:** Yes.

**Ms. Gigantes:** But last year you had a budget for energy conservation projects, as I recollect, of only \$6.5 million. Did you spend every cent on these government buildings programs?

**Hon. Mr. Welch:** No.

**Mr. J. Reed:** Maybe you didn't pay all your bills.

**Mr. Rowan:** Mr. Chairman, as we have indicated previously, the ministry does not undertake every energy conservation or renewable energy project in the government. It does encourage other ministries to participate in these two programs.

We do provide funds to other ministries. In some cases we provide funds which, by and large, constitute most of the allocation those ministries make to energy. In other cases we provide, as the minister has indicated, seed money or supplementary money.

Most of the \$6.5 million for last year went to the Ministry of Government Services, for the very reason the minister has indicated. There is something in the order of 33 million square feet of office or other space in government buildings. There is a major job to be undertaken for two reasons.

One, government acts as a leader in showing that energy conservation practices can work. Two, very understandably, the government is a major consumer. If it can get energy savings from investments in time techniques, conservation, or capital, there is a payback period of the kind the minister has indicated.

**Ms. Gigantes:** Mr. Chairman, if I understand this report correctly, are we saying most of the \$6.5 million, roughly speaking, which was allocated under last year's estimates for energy conservation projects went directly to Government Services for the internal programs of energy conservation?

**Hon. Mr. Welch:** Yes. Actually, 55.1 per cent of the \$6.535 million was allocated to the Ministry of Government Services.

**Mr. J. Reed:** As a corollary to that, what about the other ministries? The Ministry



Health would be interested in undertaking studies. I know for instance, that Georgetown and District Memorial Hospital has apparently made a decision to install a garbage burner that makes steam. Would that kind of thing fall within this expenditure? Would you participate in the spending of money for the Georgetown hospital to ascertain the viability of something like that?

**Mr. Rowan:** Not necessarily, Mr. Reed. The Ministry of Health could well see that as an appropriate expenditure, using its own capital funds.

One should not necessarily find what we are doing unusual. When the Minister of Energy announced the energy conservation program in 1976—I think you will recall his statement in the Legislature—he described the approach the government intended to use and stressed the number of roles the government was assuming. One was the idea of the government as a leader, showing the way, and government as a consumer.

8:20 p.m.

Within the government system itself, the Ministry of Energy has played a role in advising and assisting, both in a technical sense and in a financial sense, the staffs of other government ministries in order to have them in the first instance identify the kinds of opportunities which are available.

**Mr. J. Reed:** In that regard, in a specific instance where the Ministry of Health might be approached about looking at some energy conservation project in some hospital somewhere, how would the Ministry of Energy participate? Would it participate with a portion of its budget through technical advice and technical expertise, or would it simply leave it to the Ministry of Health to assemble its own expertise, or would the particular hospital board be required to get its own leg up in this situation?

**Hon. Mr. Welch:** Perhaps Dr. Rowe could take you through those steps.

**Dr. Rowe:** Mr. Reed, I would like to acquaint you with the energy management program organization. There is an inter-ministry group made up of representatives from the various ministries. There is an expert from the Ministry of Health who is part of that particular group. He brings forward in his ministry a series of priorities that the policy group of the Ministry of Health feels is worth pursuing in the interests of energy in its own sector. They are responsible for the jurisdiction of the entire health system. They then bring forward their broad program to our ministry for some kind of priority setting. In the particular case you were

talking about, say, an energy from waste program, that would fall outside a normal conservation program. We put the priorities on lighting, on space conditions and on improving the heating systems. It really is a matter of negotiation with our staff at the beginning of each year.

I might use as an example the Ministry of Colleges and Universities which has had an excellent program. They have used our money as the seed money to carry out some basic analyses on the carrying out of energy audits. Over the last four to five years, our ministry has assisted the Ministry of Colleges and Universities in setting its priorities and offered about \$800,000. Based on that, the Ministry of Colleges and Universities has then offered capital funds to the universities to take some of our basic studies and turn them into some real and viable projects. We have obtained the leverage there in Colleges and Universities of about nine or 10 to one.

We are finding the same thing with the Ministry of Health. We assist them to find, and determine some of these priorities. Then they can use their own capital budgets to carry on and assume their own responsibility.

**Ms. Gigantes:** May I ask what the intent of the ministry is in this program? What is inherent in the allocations of the moneys, the \$16.2 million which is estimated for allocation under energy conservation projects? Will 51 per cent of that, roughly speaking, be going again to Government Services for these kinds of programs? How will this money be distributed among the various kinds of projects, thrusts, goals and activities of the ministries? Why don't we have that information? Does the ministry know where that \$16.2 million is going, or is it simply just spending \$16.2 million?

**Hon. Mr. Welch:** I think generally speaking the ratios will be maintained. The difficulty, we should point out to you, is that these are negotiated amounts. In other words, there will be some negotiations to go on now with these various ministries with respect to their programs. Those negotiations will follow this system of review.

**Ms. Gigantes:** Mr. Chairman, I understand there is a process of negotiation that goes on internally in the government, and with agencies and institutions outside the government, in terms of the promotion of energy conservation projects and the use of the skills and moneys of the Ministry of Energy for these projects.

It seems ridiculous that we should be sitting here looking at a bald figure of \$6.5 million with this description of vague goals

laid out. I call them vague because there is no allocation of money associated with these goals. Does the minister have anything in his possession that indicates to him where these moneys are going or are likely to go?

**Hon. Mr. Welch:** I was in the process of answering a number of questions, posed yesterday, to show you what we are doing, to show you this is the result of what is happening up to now. We have every reason to believe that through encouraging this program in interministerial co-operation, we will be proceeding on this basis. If I could be permitted to answer—

**Ms. Gigantes:** Yes, but you answered my question without telling me how much money was actually spent last year. It was roughly 50 per cent of the program.

**Hon. Mr. Welch:** It went to the Ministry of Government Services.

**Ms. Gigantes:** That is a useful piece of information for us, because we try to understand your ministry's accounts. Do you expect 50 per cent to hold true this year too?

**Hon. Mr. Welch:** It could be a little less, but certainly that would be the substantial amount of this money.

**Ms. Gigantes:** Do you have rough percentages in mind for these other goals you are going to pursue during the fiscal year 1980-81?

**Hon. Mr. Welch:** We estimate the percentages. I can give you a breakdown by sector.

**Ms. Gigantes:** Anything would be helpful.

**Hon. Mr. Welch:** It is about 15 per cent for residential and 30 per cent for commercial.

**Ms. Gigantes:** That is less than last year.

**Hon. Mr. Welch:** It is 3.1 for industrial and 8.3 for transportation. Urban development, program planning, policy development and communications figures are to be determined pending the outcome of those other, larger negotiations.

**Ms. Gigantes:** Thank you. If we add those up that gives us an explanation for 65 per cent of your intent.

**Hon. Mr. Welch:** We are still in negotiation for the other 30 or so percent.

**Mr. J. Reed:** While Ms. Gigantes is doing her arithmetic, I would like to zero in specifically on the Ministry of Government Services.

Are you aware of what the Ministry of Government Services is doing regarding the insulation or energy efficiency standards of its buildings? During the last year when it called for tenders on new construction, did the

Ministry of Energy have an input into all those buildings or did it leave it to the Ministry of Government Services to come to the Ministry of Energy and say, "There are certain projects we would like you to turn into some set of priorities"?

It has come to my attention—I may be misled on this but I don't think I am—that as recently as last December tenders were called for buildings where the maximum insulation consisted of half an inch of fibreboard in the ceilings.

I wonder what influence the Ministry of Energy has on the Ministry of Government Services if this is correct? I will put that hooker into it because I don't have more than a trusted word on that particular thing. I raised a question with the Minister of Government Services (Mr. Wiseman) in the House on that subject and he didn't answer the question specifically. It has led me to wonder what the relationship is between the Ministry of Energy and these other ministries on new construction.

8:30 p.m.

**Hon. Mr. Welch:** I am in the committee's hands. That was a question the member raised yesterday, to which I have an answer. We have the guidelines here. Perhaps we could do that now and then I could go back to Ms. Gigantes' questions.

Mr. Reed asked yesterday: "What energy efficiency standards is the government now imposing on itself for new buildings?" I am advised we have two sets of guidelines, published by the Ministry of Government Services. One is Energy Conservation in Ontario Government Buildings and Institutions: Design Guidelines, prepared by the planning and design services branch in 1973-74. It applies standards to new buildings.

Then there is Guidelines for Conservation of Energy, prepared by the property management branch of the Ministry of Government Services on February 15, 1974. It deals with standards for existing buildings. Both the design guidelines and the energy conservation guidelines are being continually revised and improved, I am told. We have then here. We would be glad, with Dr. Rowe's assistance, to give any further information or those.

**Mr. J. Reed:** I might be able to zero in a bit more and become a bit more specific. Is the minister aware of any government buildings where tenders were called in the last year where insulation standards actually fell below the recommendations?



**Dr. Rowe:** I am not aware of that particular building to which you have drawn some attention from your own experience. I would like to discuss for a moment a process that was agreed upon with the Ministry of Government Services, going back a number of years. It is like a government code, I suppose you might call it. It is based on a very interesting design concept called the balance point concept whereby an energy budget is developed for a building and criteria are set up, depending on where the building is built and the size of the building.

The Newmarket courthouse is a very interesting example, like the Ontario Hydro building, of the balance point of a building; that is, the temperature at which the internal heat of the building, due to lights, the heat from the people and so on that is developed, is equal to the heat loss. The temperature of this building is designed at around the lowest temperatures which would be experienced with a probability of around two per cent in the region where the building is to be built.

This means some thermal storage is usually required in order to maintain that building's temperature during the time the lights are not on and when the people are not there providing heat. Every individual in a building is equal to about a 100-watt light bulb. With a number of employees, that is a substantial amount of heat contributed.

**Mr. J. Reed:** Is that a reference to intelligence or the energy outflowing?

**Dr. Rowe:** The energy output. I believe I am correct in saying that in the Newmarket building there are four water tanks. At a time of year like this, two tanks would probably be chilled and two run warm. The warm tanks are used in the morning to heat the building, with a heat pump operating between the tanks to provide the most efficient operation.

In order to accomplish that, to get these low balance points, it is necessary to arbitrarily assign some pretty stringent levels of insulation and so on. I am reading now from the manual developed by Government Services. The thermal resistance in the walls will exceed R20. For the thermal resistance in the ceiling, they give a U value here of 0.04. That is equivalent to R25 for a pitched roof and R20 for a flat roof. I suggest to you that is greatly in excess of a half inch of fibreboard, and I think you would agree with that.

**Mr. J. Reed:** Surely, I would.

**Dr. Rowe:** Besides that, they limit the ventilation rate, they design for underground

garages that are ventilated without any kind of heating at all, with the necessary fans and so on for carbon monoxide reduction. Heat recovery systems are provided wherever it is a reasonably attractive economic return, and I use the Newmarket courthouse as a good example.

They ensure that the hot water, the commercial or domestic type of hot water, the service water, has a temperature no higher than 105 degrees Fahrenheit or 40 degrees Celsius. They ensure that if there are showers supplied the maximum flow rate is less than three US gallon per minute per shower head. The list goes on and on, for page after page, of very stringent, exhaustively detailed constraints.

These are supplied to the architects at the time these buildings are tendered and these are checked right through. In other words, there are architects and engineers in Government Services who go back and check that the architect's and mechanical engineer's drawings conform to these guidelines.

On top of that, there are computer programs that are used to verify that the energy budgets are as requested and predicted, and then when everything is in place and the building is built and inspected, then the building is considered fully dedicated and now comes over on to our inventory and the building performance is tracked. Monthly records are kept and these are compared, and building operators are trained and their performance is monitored very closely, so that the commissioned building lives up to the standard expected at the time the whole building was conceived.

**Mr. J. Reed:** Is that elaborate set of criteria applied to every heated building that is now built by Government Services?

**Dr. Rowe:** My understanding is it is applied to every commercial scale building; in other words, there are some buildings that would be less than, say, 6,000 square feet and those would come under a different set of instructions. Those would come under the Ontario Building Code, which is considered at this time to be quite sufficient with respect to the general performance.

In such buildings, heat recovery and so on is not yet an economically attractive feature so it is not attempted, although I understand some preliminary designs have been prepared for a police station of around 7,000 or 8,000 square feet where its balance point would be at about the design temperature for the region, but that particular building



has not yet been constructed. Passive solar energy is utilized to whatever extent possible.

**Mr. J. Reed:** This elaborate set of criteria applies essentially to buildings of over 6,000 square feet, and then the building code applies from there on down, so when you get smaller government buildings we still have to refer back to the building code?

**Dr. Rowe:** No. The building code is considered quite adequate at the moment for these buildings under 6,000 square feet.

**Mr. J. Reed:** Do you recall offhand what the building code requires in terms of wall insulation and ceiling insulation?

**Dr. Rowe:** It is what we call basically the R-7,12,20 series. Attic insulation is 20; the wall is 12. However, these are minimum insulation levels and effective R values are generally higher than that.

**Mr. Wildman:** You raised the question of the building code being adequate. Are you aware, Mr. Minister, that the building code is not enforced and there is no mechanism for enforcing it in the unorganized areas of this province? Perhaps you could discuss that with your colleague, the Minister of Consumer and Commercial Relations (Mr. Drea).

**Hon. Mr. Welch:** I would be glad to.  
8:40 p.m.

**Ms. Gigantes:** What you are telling us, essentially, is that the throne speech proposition that there was going to be a revision of the commercial building code won't apply to buildings under 6,000 square feet?

**Dr. Rowe:** No. The whole building code, from top to bottom, will be brought up to date.

**Ms. Gigantes:** In a commercial sense?

**Dr. Rowe:** When we discuss the building code with the builders and so on we also investigate the life cycle cost, or the return on the code; in other words, all these conditions are then costed out on a return on investment basis.

**Ms. Gigantes:** That's a good idea.

**Dr. Rowe:** The last time we developed this for the so-called average building—and there is no such thing as an average building—the average return for the building code was 10.4 years for the last set of constraints that were introduced in the updated code, and that is just about the point where the building industry was resisting further advance. But, as you are probably aware, we have entered into discussions with the building industry to try to encourage it to adopt new and better techniques that are cost effective. We hope through this kind of process

of training and indoctrination to encourage them to go to higher standards and they will accept an enriched code at the time they will be introduced.

**Mr. J. Reed:** Could I move out from there and extrapolate that thought a little bit? The deputy mentioned the other aspect of this whole thing, and that was the leadership area. I have been around these hallowed halls now, or had the privilege of serving my constituency for five years—

**Hon. Mr. Welch:** Is it that long?

**Mr. J. Reed:** It's that long.

**Ms. Gigantes:** It's four and a half years.

**Mr. J. Reed:** —and I still don't see storm windows on Queen's Park, with the exception of perhaps this room here.

**Mr. W. Newman:** They have been put on some windows here.

**Mr. J. Reed:** They are?

**Mr. W. Newman:** Yes, in Queen's Park, in the main building here.

**Mr. J. Reed:** I look out this window and I see a great big window that must be about six feet wide and 12 feet high right out there.

**Mr. W. Newman:** Put your glasses on and look around.

**Mr. Hennessy:** He's getting old; he can't see.

**Mr. J. Reed:** There isn't a storm window on it. If we are talking about government leadership, surely one thing we might do is a retrofit program on Queen's Park for all to see.

**Hon. Mr. Welch:** Actually, with the 125 light bulbs here all the time—

**Mr. J. Reed:** Sometimes not quite 100 watts, though, with respect.

**Hon. Mr. Welch:** They are surely all operating at least at that level.

**Mr. W. Newman:** Mr. Chairman, my office was 62 degrees this morning. We had to complain to get some heat in there.

**Mr. J. Reed:** Yes. If there had been storm windows on—

**Mr. W. Newman:** There are storm windows on, but there was no heat.

**Hon. Mr. Welch:** I wonder if I may be permitted to go on to Ms. Gigantes' second question, Mr. Chairman? The second question was: "The five-year program of energy conservation in government buildings, 1976 to 1981, still identifies 15 per cent energy reduction as the target total. That target has already been surpassed. Why isn't there a new target identified? How much more can the minister expect to see in terms of bene-

fits coming from energy efficiency programs in the government? She was kind enough to make reference to a speech I made at the University of Toronto Law Society, and said, "I understand that you had seen energy efficiency benefits of 18 per cent in three years," and so on, "Is there more yet to be gained?"

**Mr. J. Reed:** Who wrote that speech?

**Hon. Mr. Welch:** I expect we should be able to achieve a further four per cent. This would mean that over the five-year period we would have savings of about 22 per cent, or seven per cent over our target which we set in 1976.

The next question, number three, concerned commercial building code standards and residential building code standards. We hinted at this just a little while ago. She asked, "What is the problem, and what does the minister expect to do about it?" I can reply to both of these questions on the building code together. The Ontario Building Code, as we all know, is a responsibility of the Ministry of Consumer and Commercial Relations. The Ministry of Energy is working with that ministry to ensure that energy conservation requirements are given the special consideration they deserve.

The residential standards portion of the Ontario Building Code was first promulgated in 1976. At that time it had the highest insulation requirements for small residential construction of any jurisdiction in Canada. These requirements have since been revised upwards so that they roughly correspond to the so-called federal measures developed by the National Research Council, of which Ontario is a member.

**Ms. Gigantes:** When will it become totally applicable, that part of the requirements for construction in Ontario in the residential sector?

**Hon. Mr. Welch:** Is there some reason they aren't now?

**Dr. Rowe:** Are you talking about the federal measures or the updated standards? They are now applicable. The Ontario Building Code is revised regularly. Are you talking about the commercial part or residential?

**Ms. Gigantes:** I am talking about the residential sector and those elements of the provincial regulations which apply to the residential sector. You are telling me they are in place and concrete?

**Dr. Rowe:** Yes, they have been since 1976.

**Mr. Wildman:** Except in the unorganized areas.

**Hon. Mr. Welch:** That is something I will be glad to check for the honourable member.

**Ms. Gigantes:** They have been as of 1976, but at the 1976 levels?

**Hon. Mr. Welch:** No, I just mentioned that these had been revised in consultation. We are members of the National Research Council committee. They have been progressively—

**Dr. Rowe:** Mr. Doug Wells can perhaps give us the most recent date at which they were updated, and the levels.

**Hon. Mr. Welch:** Mr. Wells, would you respond to that?

**Mr. Wells:** Mr. Chairman, as was mentioned, the code has been in force since 1976 and has been updated on a number of occasions. The latest was in September, 1979, when the code was required to meet the Ontario Electrical League standards there, and this brought about a ceiling insulation requirement of R28, which is one of the highest insulation requirements called for by any code in this country.

The residential portion of the code is actually very energy conserving. It is an area in which I really don't think there is an awful lot more to be gained in an energy conserving way in dealing with insulation in the residential area.

**Ms. Gigantes:** I am puzzled, because my impression from discussion and comments by municipal elected representatives had been that the provincial building code regulations relating to insulation are not in force, the new regulations.

**Mr. Wells:** Perhaps I might clarify that. The code has been in force since 1976 and has been upgraded a number of times. A National Research Council committee promulgated a set of energy conservation measures for new buildings. These energy conservation measures were taken under consideration by the Ministry of Consumer and Commercial Relations. They looked at them and circulated these measures for comments to all of the appropriate ministries. We, in turn, responded to them. They are presently now developing revised standards based on those measures.

**Ms. Gigantes:** Who is?

**Mr. Wells:** Consumer and Commercial Relations.

**Ms. Gigantes:** I see. So there is still ongoing work in terms of bringing the provincial residential code regulations up to the specifications suggested by NRC?

**Mr. Wells:** Yes, but I would caution that as far as insulation goes, the energy measures promulgated by the National Research Council and the energy measures that exist in the code right now are very close. In fact, in some areas our code is slightly ahead of what they have proposed. It is in the commercial sector where our code was somewhat lacking, and these energy measures that are going to be adopted will bring the commercial sector up to those levels.

**Hon. Mr. Welch:** That is what we made reference to in the throne speech.

**Ms. Gigantes:** That may be the source of my puzzlement. Good. How long will that process take? I think that was another question.

**Mr. Chairman:** Just a moment, Mr. Newman has a supplementary question.

8:50 p.m.

**Mr. W. Newman:** Mr. Chairman, we are on energy conservation. I would first like to say to the minister he and his staff are doing a great job. Mr. Minister, I think you are doing a great job, but the processes that your staff are recommending to us—and I am not saying as members but as individual citizens—are the sort of processes that are 80 per cent or 90 per cent efficient.

There are a lot of processes that will save energy but which may be only 40 per cent efficient. They might be practical. For instance, if somebody heats a pool with gas or oil or whatever it might be, they can very simply heat the pool by using a plastic hose. This is a very simple and cheap process for heating pools; the same with houses.

Is there any way that your people would be prepared to tell us, as laymen—or me, as a poor simple farmer who doesn't fully understand the process—how we can save energy in a very simple sort of way, like I just mentioned, heating a pool or heating your house, drying grain or whatever it might be? Various processes work very well now but there are others that are maybe only 40 per cent efficient but they do not cost much. I would like to be able to pick up a book that has information in it.

I have all your booklets by the way, or most of them. Your speeches have been very good and you have done an excellent job on this. But I think the average person should be told how to save 40 per cent of fuel costs, here and here, by doing a very simple thing, which the average person really does not understand.

**Ms. Gigantes:** Mr. Chairman, without wishing to be peremptory or the least bit rude, we were in the process of getting a series of responses to a series of questions.

**Mr. W. Newman:** I appreciate that.

**Ms. Gigantes:** It was not simply to criticize but to get basic information from the minister. While I think a discussion such as the one you would like to raise is important, I wonder if we can get the answers to the list of questions and proceed from there?

**Mr. W. Newman:** All I am saying is I want energy conservation and I myself am trying to work with some of these things at home and talk to other people about it. We do not have to be 80 per cent efficient as laymen, or the average person does not, but if they could save 20 per cent, 30 per cent or 40 per cent of their fuel costs on whatever project, it would be rather important.

**Ms. Gigantes:** Would you be willing to come back to that once we have the list of responses the minister has prepared for the list of questions he has been asked?

**Mr. W. Newman:** Yes, within reasonable bounds.

**Hon. Mr. Welch:** Mr. Chairman, I want to assure the honourable member that I feel very encouraged by that type of question. I am sure people, appreciating as they do the need for energy conservation, are looking for lists of very practical things that they can do. We have an awareness, we have public attention, and people are saying, "Okay, show me some very basic things that I can do in order to make my contribution." That is a very practical suggestion. I would like to get back to that in a moment. I will finish these particular questions. It seems to me that some type of a very basic document that—

**Mr. J. Reed:** As a point of order, with respect, Mr. Chairman: There is a list of speakers I think you had begun to mention.

**Hon. Mr. Welch:** To finish up on the building code, as the honourable member knows, the recent throne speech stated that commercial energy conservation standards will be included in the Ontario Building Code and we are now involved in discussions on that with the Ministry of Consumer and Commercial Relations.

The fourth question I was asked in preparation for carrying on here was what the minister feels should be done about industrial cogeneration. Mr. Chairman, the Ministry of Energy and Ontario Hydro sponsored a seminar in December 1978 which asked that particular question: "What has to be done to



make industrial cogeneration a reality in Ontario?"

Both the ministry and Ontario Hydro indicated they are very positive with respect to industrial cogeneration and the development of 700 megawatts of identified cogeneration capacity. Since that time, the ministry and Ontario Hydro have been working to identify further and resolve the issues facing this whole question of industrial cogeneration in the province.

Cogeneration is actively considered in energy from waste projects undertaken by the ministry. The Ontario Energy Corporation is working directly with the private sector—Tricil Limited—on the installation of a generator at the solid waste recovery unit plant in Hamilton. I recently announced the creation of a power share corporation under the Ontario Energy Corporation. Ontario Hydro is actively reviewing its current policies with respect to industrial cogeneration.

The fifth question was, "I would like to know what the minister feels should be done about the way industry seems at this point to be underestimating the benefits of life cycle accounting."

Plant visits made by the energy bus during the past year have shown the total potential savings reportable as a result of an analysis of a company's energy audit have dropped from an average of 17 per cent to 14 per cent. This appears to be due to an increased awareness on the part of these companies in establishing their own in-house programs not only to conserve energy, but also to save dollars as the price of energy becomes a more important component of the operating costs. Industrial firms contemplating expansion programs are seriously considering more energy efficient buildings and processes based on the attractive return on investments, which is now possible due to the higher cost of energy.

Interjection.

**Dr. Rowe:** That is certainly true.

**Ms. Gigantes:** That is the essence of the question.

**Dr. Rowe:** Of course there is a two- to three-year payback. The competition is to do with the possibility of developing markets through competitive-type investments.

**Ms. Gigantes:** I don't understand that.

**Dr. Rowe:** There is only so much capital available to a particular company within an industry. The management decision is quite often to seek the best return on investment. That might be to develop a market or it might be to install some new equipment. If

a decision is made to install new equipment, quite often—I might even say usually—the energy aspects are fully entertained in making a decision. As for putting special energy conservation equipment into place, it is usually a two- to three-year payback. That is about the threshold at which the decision is made.

**Ms. Gigantes:** And is that accepted by the ministry at this stage?

**Dr. Rowe:** That is the marketplace operating, I guess.

**Ms. Gigantes:** I don't think that is a usual way for the marketplace to be operating.

**Dr. Rowe:** We have attempted to influence that, as you are probably aware, through things like accelerated depreciation and other such factors which have all assisted in reducing the return-on-investment period. Foregoing sales tax has been helpful too. Factors such as that have all contributed to reducing the return-on-investment period.

**Ms. Gigantes:** But there is no program of attempting to deal with industrial—

**Dr. Rowe:** There is a program of information. There is, for example, a computer program on the energy bus which includes the escalation of inflation, escalating energy costs and so on which attempt to evaluate and put the decision squarely in front of the manager so that he can work with real information and real data and is not trying to guess. We do that. We try to present all the evidence we possibly can in favour of making an appropriate return-on-investment decision.

**Ms. Gigantes:** That might be a good subject for a speech by the minister.

**Hon. Mr. Welch:** The next question raised was: "I would like to know how the ministry foresees reaching a goal of a 10 per cent energy efficiency benefit within the transportation sector by 1985. In the process of hiring a transportation policy adviser, how are they going to effectively help in the transportation area?"

In response to that, the Ministry of Energy in conjunction with the Ministry of Transportation and Communications established what is called the transportation energy management program, the short form being TEMP. As part of this we have with us tonight Mr. Ian Campbell, the executive director of the research and development division of the Ministry of Transportation and Communications. If the committee wished, I am sure he would be very happy to discuss that program, which is very much related to this.

The Ministry of Energy's transportation policy adviser will work full time with the

staff of the Ministry of Transportation and Communications to develop new policy initiatives and to assist in the promotion of these initiatives.

9 p.m.

**Ms. Gigantes:** What about the Ministry of Industry and Tourism? What about the reference in the throne speech—I haven't got it right in front of me—to attempts by the ministry or the government to influence the kind of car that will be in the Ontario fleet?

**Hon. Mr. Welch:** Yes, but as you say, Industry and Tourism would have that particular responsibility, that's right.

**Dr. Rowe:** There is a co-ordination that goes on between the Ministry of Transportation and Communications, as it administers the transportation energy management program, and the Ministry of Industry and Tourism with respect to those factors that influence the industry directly.

The Ministry of Transportation and Communications does have the technical staff to deal directly with their technical counterparts in the motor industry on such factors as improved carburation and even going away from some of the trends the United States is carrying out at this time. Mr. Campbell could speak to this in quite some detail if you would like.

**Hon. Mr. Welch:** Mr. Chairman, the member was making reference to the throne speech. That paragraph reads: "The Ministry of Industry and Tourism will develop approaches to assure the long-term health of the automotive industry in relation to the Canada-US auto pact, a shift to lighter fuel-efficient vehicles and import competition."

**Ms. Gigantes:** What will be the role of the Ministry of Energy?

**Hon. Mr. Welch:** I think the technical advice, in so far as this is concerned, as Dr. Rowe pointed out, would come from Transportation and Communications. Mr. Campbell is here if you would like to ask any questions on that particular aspect of transportation.

**Dr. Rowe:** Mr. Campbell and I co-chair the transportation energy management program.

**Hon. Mr. Welch:** Ian Campbell is executive director, research and development division, Ministry of Transportation and Communications.

**Mr. Campbell:** Could I have some specific questions?

**Ms. Gigantes:** Last year, we had a discussion in these estimates concerning the

makeup of the Ontario fleet and we discovered it had very much the same kind of makeup in the private vehicles component as it had five years ago, which is about 60 per cent V-8s.

**Mr. Campbell:** I can give you some information on that.

**Ms. Gigantes:** I received some updated information just a few weeks ago which indicates the pattern holds, but I don't expect it has changed very much since December.

**Mr. J. Reed:** I am not sure the number of cylinders in a car is an indicator of mileage. I know of lots of four-cylinder engines that are real gas guzzlers.

**Mr. Campbell:** The ministry has a program to reduce the size of its cars and trucks and also to go into dieselization. This started in 1974. It takes a while to turn over a fleet, as you know. Instead of over 250 large eight-cylinder cars, there are now 147 compact cars and 101 larger cars, some of which are required, such as station wagons to carry survey crews and equipment and so on. They are mostly big station wagons. The compact cars are making up the larger portion of the fleet.

We are also looking at the X-series cars, which are the new four-cylinder ones, the Chrysler and also the General Motors cars. We are just evaluating their fuel economy as well as their maintenance requirements, because maintenance is also a very important factor when they have a rigorous duty to perform with ministry staff on usually pretty rough roads. While fuel economy is very important, so is the cost of doing the work, the cost of maintenance. The X-series cars are being fully evaluated.

The present fuel saving in that one area is 35,000 gallons a year. We are reducing our larger three- and four-ton trucks—here again it takes a while to change over—by 17 a year and we are switching to half-ton trucks wherever possible. This, again, is for carrying a man and equipment and material on smaller jobs. The present fuel saving is 225,000 gallons per year since 1974 when this program started. We are at present evaluating the need for smaller diesels. We have 10 diesel half-ton trucks—that's the new small diesel motors which are being evaluated.

We are not too happy with these because they were produced by General Motors after not too much research and so on, so there are some problems there. But we are evaluating them to see what the problems are. We are reverting all our eight-cylinder half-ton

trucks to six-cylinder half-ton trucks. That's about 75 per cent complete.

**Ms. Gigantes:** These changes you are describing here are to the fleet that is operated by your ministry?

**Mr. Campbell:** That is correct, over which we have direct control.

**Mr. J. Reed:** Do cabinet ministers' cars come into the fleet picture?

**Ms. Gigantes:** That's Government Services.

**Mr. Campbell:** We purchase the cars for Natural Resources I believe, and other areas. We give them specifications but they determine what they want. They tend to follow our example of getting smaller vehicles.

**Mr. Wildman:** Do you lease automobiles and trucks as well?

**Mr. Campbell:** No.

**Mr. Wildman:** Does Natural Resources?

**Mr. Campbell:** Not that I know of. That's not my area. I am sure we don't lease any trucks.

**Mr. W. Newman:** May I ask a supplementary question here? You say you have evaluated some diesel trucks. Perhaps you could answer this question for me: how come in the agricultural field 90 per cent of the tractors have switched to diesel fuel, which is far more efficient in those motors, than what they are using today? The costs are less for operating than gasoline.

**Mr. Campbell:** There is no doubt about that. The diesel engine is very efficient, the most efficient engine there is. What I am talking about is the new series of eight-cylinder diesel engines which General Motors brought out very recently. This is a converted gasoline engine, and that's the problem. We don't want to go directly into those half-ton trucks without knowing that they are really reliable motors and that's why we are doing this experimentation.

The next thing is we converted our trucks to diesel engines. Our five-ton trucks are being converted at a rapid rate. In 1978-79 we had 361 diesels, now we have 445; gasoline, we had 415 in 1978-79 and in 1979-80 we have 339. So the conversion to five-ton diesels is going at a fairly rapid rate.

We are replacing 80 diesels a year and the present fuel saving is 282,000 gallons. We are converting our motor graders to diesel too, and the present saving is about 10,000 to 12,000 gallons a year. We are doing this as quickly as it is economical to do so in our own fleet.

**Ms. Gigantes:** The question that I asked, Mr. Campbell, related to what government

efforts will be made to implement the program that was outlined in the throne speech for making sure that the private vehicle fleet in Ontario becomes as efficient as quickly as we can. It was the co-ordinating role, I guess, of your ministry—I don't understand how all of this can happen, and—

**Mr. Campbell:** I thought you asked what MTC is doing about it, and other information. 9:10 p.m.

**Mr. Wildman:** Excuse me, Mr. Chairman. Before you go on, I am a little bit confused, because if those figures you were giving us include Natural Resources—

**Mr. Campbell:** No, no. These are MTC's. I am not familiar with their operation.

**Mr. Wildman:** I am sure they do lease trucks.

**Mr. J. Reed:** Supplementary: Are you doing any conversions into other fuels besides dieselization?

**Mr. Campbell:** No, not at the present time, but we have plans to do so.

**Mr. J. Reed:** No compressed natural gas, no methanol engines, which are more efficient than diesel engines?

**Mr. Campbell:** You cannot buy a straight methanol engine that I know of right now.

**Mr. J. Reed:** They are sold all over Brazil.

**Mr. W. Newman:** No, they are not.

**Mr. J. Reed:** Yes, they are.

**Mr. W. Newman:** Check it out. They had them converted to the 20 per cent gasohol, or whatever it is down there.

**Mr. J. Reed:** Chrysler is producing them now. General Motor has been legislated to go ahead.

**Mr. Wildman:** Mr. Chairman, could I suggest we all take a trip to Rio and check it out?

**Mr. Campbell:** Can I answer your question, Ms. Gigantes?

**Ms. Gigantes:** I would be delighted.

**Mr. Campbell:** Referring back to the question about the public, of course we have to convince the public to conserve and that is not a very easy task. We have to prove to them there are ways and means of conserving in regard to the automobile and also for the industry, the truckers.

Over the last few years—we have only been in operation for about three years—we have done a number of research projects on methods of developing fuel efficient vehicles. These amount to a large number of ways which are small in themselves but which add



up to a large extent in relation to the existing fleet. You can easily buy a new four-cylinder automobile and save a lot of fuel, but how do you handle most cars which make up the existing fleet?

**Ms. Gigantes:** I cannot afford a new automobile.

**Mr. Campbell:** Many people cannot. Therefore, one project is to encourage people to use smaller cars. Another is to show them how to improve the efficiency of the existing cars they have.

**Ms. Gigantes:** One of the questions that I tried to get an answer to last December was whether it is possible for the ministry to keep some kind of tab on the degree to which people in Ontario are keeping their motors properly tuned? Are there statistics on how many tune-ups get done in Ontario? Can you look at a pattern and say people are tuning up more regularly or they are not tuning up as much as they used to?

**Mr. Campbell:** Yes, we have done a study, but it is not complete. It would be impossible to do that with all the millions of vehicles around, but we have done a sample study. We have taken a broad sample of several hundred typical families and automobiles and researched that. This is where we get the information I am going to give you right now.

**Ms. Gigantes:** Great.

**Mr. Campbell:** Take a case like tires. Not many people know there is a lot of rolling resistance in a vehicle and fuel efficient tires is one of the ways to go. Pressure is very important. Radial tires are very important and so is tread design. We tested that out on our vehicles and we have done some PR in this respect. We have sent out brochures and leaflets and so on. If 100 per cent of the vehicle owners went along with the advice, we would save three per cent of fuel. If 50 per cent did, we would save 1.5 per cent, and if 25 per cent did, we would save 0.7 per cent. That is a lot of fuel.

In the case of fuel efficient oils, there are new oils around now. I don't know how long you want me to go on. I can go on all night. There are synthetic oils which are not really oils at all, but plastic derivatives. There are friction modifier oils with additives in them such as Moly slip, and we have a report on them being distributed. Once again, if 100 per cent of people use them, we save 2.4 per cent. This comes from our survey. Fifty per cent, 1.2 per cent—

**Ms. Gigantes:** Could we get copies of that? I find it enormously interesting.

**Mr. Campbell:** Yes, these are available.

**Ms. Gigantes:** When was it done, Mr. Campbell?

**Mr. Campbell:** This was probably done within the last year. This information is available.

**Ms. Gigantes:** Do you have any indication of how many people are taking advantage of this knowledge?

**Mr. Campbell:** We don't know this.

**Ms. Gigantes:** Is it possible to find out from trade associations? Is it possible to make an estimate, for example, from the sale of spark plugs or any other item that would be involved in a normal tune up?

**Mr. Campbell:** It usually takes a while for people to react to information such as this. Maybe in two months nothing would happen, but maybe in three years it might.

**Ms. Gigantes:** Is it possible in your information-gathering system to monitor this kind of progress?

**Mr. Campbell:** This is one of the aspects of the work we do. After implementing something, we do a follow-up monitoring job, but we have to wait a reasonable time for the information to take effect. Once again we will be doing some surveys to find out. It will have to be a typical survey. We take a sample again, but this gives us by statistical methods a good answer.

**Ms. Gigantes:** Is there a way, by looking at trade figures in any of the items involved, of discovering how many people in Ontario are taking advantage of energy benefits? Is there a trend towards these?

**Mr. Campbell:** We have not searched that yet because our PR and our reports are only fairly recent. We will endeavour to monitor the results by trade figures, by sampling and so on. This will be done.

**Ms. Gigantes:** When do you expect that will be under way?

**Mr. Campbell:** I would say it would be reasonable to do this after about nine months or a year in order to find out exactly what happens.

**Ms. Gigantes:** I'm thinking here not just simply of the people you've surveyed and provided extra information to, but of what is happening as a general trend.

**Mr. Campbell:** It is the general trend we would want to find out about. But there is no point in doing it too quickly. We wouldn't get the right answer.

**Ms. Gigantes:** So, within a year, you would be able to establish some level of understanding?

**Mr. Campbell:** It will be our responsibility to do some monitoring, yes.

I would like to go on and give you more information on cold weather devices such as block heaters, electric rad fans and rad shutters. Even in summer block heaters will save gas, while electric fans save a high proportion of gas. For example, if 100 per cent of the cars used them, that would save three per cent of fuel in that one area alone. For 25 per cent, it would save 0.7 per cent.

In averaging tuning, simple tuning, not the \$60 jobs but just the simple adjustment of the carburetor—

**Ms. Gigantes:** The \$12-job.

**Mr. Campbell:** —the \$12-job, where you just say, "I would like my carburetor adjusted and my spark plugs adjusted. Don't do anything else, just that. I will fix my own spark plugs"—you will get a three per cent efficiency right there.

**Mr. W. Newman:** What do you charge?

**Mr. Campbell:** My time is pretty valuable. I only do it in my spare time.

**Mr. J. Reed:** That is really interesting information that a block heater will save a very significant amount of fuel.

**Mr. Campbell:** I am saying that block heaters and fan clutches and so on would help us.

**Mr. J. Reed:** When you are analysing the fuel savings on something like a block heater, do you take into consideration the amount of energy consumed by the block heaters?

**Mr. Campbell:** Wait a minute now. We must remember that we are concerned with oil. This is a saving in fuel oil, gasoline and diesel oil. This is the most important factor we have to consider. Electrical energy is not the same problem because automobiles and trucks are 100 per cent dependent on portable fuels. That is what we have to save. That is our real problem.

In the case of trucks and the use of wide-base radial tires, on which we have a report out now, we've gone to industry with this. We save 1.5 per cent of fuel. There is a whole range of things down here, for example driver education. If we taught drivers to drive properly, and we have a program to do precisely that, we would save three per cent of fuel. We would save between three per cent and 0.75 per cent with just ordinary driving practices.

9:20 p.m.

**Mr. G. I. Miller:** Does it say what speed is most efficient? Do you have that determined?

**Mr. Campbell:** The most efficient speed limit is between 45 and 50 miles per hour. I am coming to that right now. The next important thing is if the public drove at the speed limit. If there was 100 per cent compliance with the speed limit, we would save two per cent of fuel. If the speed came down to 90 kilometers per hour, which is 50 miles an hour, we would save three per cent.

**Mr. G. I. Miller:** I have talked to many transport people who have indicated that 55 miles an hour would be the most efficient, if they had their clutch tuned at that. If the speed limit was set across Ontario at 55 miles per hour, it would be the most efficient way to go.

**Mr. Campbell:** Yes, 50 to 55 miles per hour is about the most efficient.

**Ms. Gigantes:** Mr. Chairman, without wishing to interrupt the flow of this information, our time is running out very rapidly in these estimates. If we could get copies of the material Mr. Campbell has and that the ministry has prepared, I think it would be marvellously useful. I am sure all of us would want to promote all that information as much as the minister would. It seems to me obviously one direction the ministry can be pursuing to get that kind of information to people.

The other question still remains, namely, the question of trying to get the fleet changed. That has so much to do with the structure of the automobile production industry. I would like to have as much information as we can get, as time goes on, about the efforts of the ministry to participate in identifying what kind of market there is for new cars and how it can promote as rapidly as possible the switchover to a more efficient production and a more efficient fleet.

**Mr. Campbell:** Can I give you some information on that? From our service too, we find that over the last 12 years the large car fraction of total new car sales has decreased from about 50 per cent to 25 per cent. In the last three years, there has been a slight increase in this fraction. They have been selling more bigger cars in the last few years, from 21.5 per cent to 23 per cent. It is to be noted that in those three years the weight was reduced from 4,000 pounds to 3,800 pounds, so there was a saving even though they went to larger cars.

The percentage of small cars or sub-compact cars has increased from 25 per cent to 49 per cent. This reached 51 per cent in 1978. Since that time it has been pretty

static. It has remained at that level. If the price of fuel goes up, it will start the trend again to smaller cars, and we are watching that.

**Ms. Gigantes:** Especially if there is a supply of smaller cars in the price range people can afford.

**Hon. Mr. Welch:** Thank you very much, Mr. Campbell. I think that the points coming through very clearly are the very practical suggestions your research will help us to promote. When you think in terms of the large percentage of Ontario's oil consumption that is related to the transportation sector, the saving you are talking about now is very substantial. You can also relate them to some very practical things, to go back to Mr. Newman's question. There are very practical things people can do.

**Mr. Campbell:** Yes, and it needs a lot of public participation and public relations to do that. That is why we should love to give you all these reports.

**Ms. Gigantes:** We love to get them. Thank you.

**Mr. J. Reed:** The next time I see a cabinet minister being chauffeur-driven out of town, I will think about Mr. Campbell's findings.

**Hon. Mr. Welch:** That's very thoughtful.

**Mr. W. Newman:** If you had to wait in your car, you would use more gas.

**Hon. Mr. Welch:** I won't comment on that. The next question was, "I would like some overall assessment of what you expect from the CHIP program. CHIP, covering houses built prior to 1961, would apply to 1.4 million housing units in Ontario. What was the total number of housing units in Ontario—2.8 million? Of the 1.4 million, how many are rental? What potential still exists under the CHIP program?"

In response, CHIP is a federal program. Experience to date suggests that its main emphasis is in attic insulation; 78 per cent of the applications are going into attic insulation. It certainly would be my hope that the federal government would improve the CHIP program. There is some indication from the federal speech from the throne that that was to be an emphasis. I would hope they would include some type of information to home owners on workmanship standards and the range of benefits. Discussions are under way with the federal government. I will be glad to keep the members of the House advised with respect to that. In fact, I did raise that on my agenda with Mr. Lalonde a couple of weeks ago.

The member is correct in her recollection of the figures. There are 2.8 million pre-1976 housing units, of which approximately two million are eligible for CHIP. The remaining 800,000 are high-rise units. The present criterion for CHIP is pre-1976 built housing. This accounts for 1.4 million units. Of these, approximately 18 per cent or 250,000 units are rental. There is still a large number of homes eligible for the CHIP program—approximately 1.1 million. As of April 11, 1980, I am advised there have been 311,445 CHIP grants to residents in Ontario.

**Ms. Gigantes:** That is larger than you expected.

**Hon. Mr. Welch:** Yes. This represents 22 per cent of the total eligible pre-1961 housing. From what I can see, I think it is a very practical program. There is every indication from conversations with the federal minister and in the federal speech from the throne that there is going to be emphasis on it.

**Ms. Gigantes:** You have mentioned two dates, 1961 and 1976. My understanding was that CHIP applied to housing built before 1961. You've given us figures that relate to housing built before 1976.

**Hon. Mr. Welch:** That was changed in the last little while with respect to eligible housing.

**Mr. Wells:** It is still at 1961. The offer the federal government made was eventually to move it up to 1977 or the end of 1976. At present, the house has to have been built before 1961.

**Ms. Gigantes:** I would have applied.

**Hon. Mr. Welch:** I may have misled the member. I was reading from my notes. The present criterion for CHIP is pre-1976 built housing. That is not correct?

**Ms. Gigantes:** No, it's 1961.

**Mr. Wells:** That is right. The intent of the federal government is to move to 1977 housing eventually, considering that houses built beyond 1977 are sufficiently insulated that this program is not needed.

**Ms. Gigantes:** Can you revise those figures so that we can make some sense of them? If you don't want to do it immediately, perhaps you could just give us the information later.

**Hon. Mr. Welch:** The next question was "One of the things that concerned me about the budget was the indication that the government would provide elbow room for borrowing from the Canada Pension Plan for Hydro borrowings." Do you want that information now or are you going to wait until



Hydro comes? The member's question went on: "I would like to know the level of the interest rates available under that kind of borrowing to Ontario Hydro, and whether the ministry gave any consideration to the fact that there might be a better use of the availability of those low-cost funds to initiate loan programs for conservation and energy-efficiency purposes, rather than to give Hydro elbow room and a cheap source of capital funding."

As the Treasurer stated on Tuesday night, the province will make available about \$500 million from the Canada Pension Plan to Ontario Hydro this year. This will provide Hydro with long-term financing at competitive rates. The precise rate isn't known to me at this time. It will reduce Hydro's need to secure capital in Canadian and foreign bond markets. The need by Hydro for capital is determined by its committed construction program. If Hydro didn't receive this capital from the Canada Pension Plan, it would need to seek it from Canadian and foreign bond markets. It is really not a matter of Hydro's being provided with elbow room.

9:30 p.m.

**Ms. Gigantes:** For cheap funds.

**Hon. Mr. Welch:** They have to go somewhere to borrow the money. It is not as if there is any extra borrowing.

**Ms. Gigantes:** I understand that.

**Mr. G. I. Miller:** What is the current requirement for Hydro borrowing?

**Hon. Mr. Welch:** I don't have that figure, but Hydro will be here. I'll get that information. Hydro will be before the committee on Tuesday night.

The question does provide some interest inasmuch as it suggests there is a need for some enrichment of or a loan program for conservation and energy-efficiency purposes. There could well be. I would like to assure this committee we are examining that. I am anxious to see what the federal program will be once they've had an opportunity to review the CHIP program. It might be useful if we reviewed the various programs which are available at the present time or which are being examined either by the federal government or the province for the residential home owner. I would be glad to go through that.

We have some things going on in the ministry now as to possibilities. I've had some discussions, as I've already mentioned, with Mr. Lalonde. Also, there have been some discussions at the staff level as recently as last evening with respect to the use of some of the additional revenue being derived from

crude oil and natural gas price increases to be dedicated to energy conservation and substitution programs.

**Ms. Gigantes:** The government is proposing to allow Hydro to borrow CPP funds because that money will be available at a lower interest rate than Hydro could get it elsewhere.

**Hon. Mr. Welch:** Not at all.

**Ms. Gigantes:** No? Then what's the point?

**Hon. Mr. Welch:** It just keeps us out of—

**Ms. Gigantes:** Foreign markets.

**Hon. Mr. Welch:** —domestic and foreign markets and makes those markets available for other purposes.

I think the points you are making are very legitimate points as to whether we shouldn't be giving some further thought to some assistance with respect to conservation projects, particularly as they would relate to information. I say we should be giving some further thought to that. Indeed, there may be other ways to accomplish those purposes than worrying about the fact that maybe these funds aren't available.

**Ms. Gigantes:** If it is not CPP, then the amount of money Hydro manages to absorb out of private ratepayers' pockets and also out of the capital market room suggests to me that one might get a heck of a lot bigger energy payback out of loan programs in other areas.

**Hon. Mr. Welch:** I understand.

If I could go to the member for Haldimand-Norfolk's question, it is estimated that Ontario Hydro's borrowing requirements for 1980 will be approximately \$2.066 billion.

I answered Mr. Reed's question with respect to efficiency standards as far as our own buildings are concerned. During her opening statement on April 8, Ms. Gigantes indicated she would like to have some appreciation of the organizational relationships which exist between this ministry and other ministries. A similar question was asked by Mr. Reed.

We've touched on this briefly earlier this evening. I indicated on other occasions that the Ministry of Energy is not the only ministry in the Ontario government which undertakes energy conservation programs. I would like to think the whole concept of energy in Ontario is to bring together a variety of projects that exist across the government in some 14 or more ministries, including the one I am privileged to be associated with.

Perhaps during tonight's discussion we can go into these organizational matters, al-

though there may not be time. I'm satisfied that relationships with other ministries are working well. There is more yet to come, as we make this a total government commitment. I think that is the direction in which we've got to go.

**Ms. Gigantes:** Of the money we have estimated to be allocated under the energy conservation projects of the ministry for this fiscal year, you have identified in very rough terms about \$10.5 million of the \$16.2 million which we are being asked to approve here.

**Hon. Mr. Welch:** I do mention, however, to remind the member, that we are in negotiations with other ministries. Although I have listed others there, those final figures will be determined. I would hope the member would share with me the delight that for this particular vote there is a substantial increase, which is some recognition of the importance attached to it. These figures, having been arrived at, make it possible now to negotiate in some other areas which might not have been the case had we not got the increases. That is why I am not able to be specific with respect to those items.

**Ms. Gigantes:** The minister knows I have already done that in the Legislature. We have expressed time and again our pleasure with the fact he is putting such emphasis on conservation.

**Mr. Chairman:** In fairness, Mr. Reed is to speak first tonight, on vote 2004, and I think he should have the opportunity. Is the minister finished answering the questions?

**Hon. Mr. Welch:** I am, Mr. Chairman, and I apologize for taking so much time.

**Mr. W. Newman:** Mr. Chairman, on a point of order: I know I created a disturbance the other night when I asked a question on a certain matter which was adjourned for a while and which you supported, as the NDP did eventually. I just wonder, what is the order of questioning tonight?

**Mr. Chairman:** We finished vote 2003. There were many questions asked and the minister asked to answer those questions tonight. It has taken this time to do it. Mr. Reed held up his hand to indicate he wanted to be heard on vote 2004.

**Mr. W. Newman:** So did I, Mr. Chairman.

**Mr. Chairman:** I appreciate that but we are not on it yet. We are just starting.

**Mr. W. Newman:** Energy conservation?

**Mr. Chairman:** Yes. We are just starting now.

**Mr. W. Newman:** We are on 2004 now.

**Mr. Chairman:** That's right, but the minister took up the time answering questions he couldn't answer the other day.

Interjections.

**Ms. Gigantes:** The minister was presented with a list of questions at 9:57 p.m. He couldn't answer because he didn't have time.

**Mr. J. Johnson:** On a point of order: In light of the fact we have only a little less than an hour to go tonight, I wonder if we could avoid the supplementaries and let some of the members on the other side ask a few questions, starting with Mr. Newman?

**Mr. Chairman:** These are the questions that were asked the other night on which the minister said he would get more information.

**Mr. J. Reed:** May I speak to the point of order?

**Mr. Chairman:** No. Mr. Reed, you are the representative of the official opposition. We will give you the opportunity to be heard first, and then Mr. Newman.

**Mr. J. Reed:** Mr. Chairman, I will not be five minutes because these other questions have been answered quite completely, I think.

In connection with any of these new developments, there are always new technological achievements and technological developments. I may be a little out of order in bringing this up, but I think it does apply to energy conservation rather directly. I did touch earlier on the subject of patents and how patents could be protected. I wanted to touch for a minute on the business of inventions and developments that are created within the purview of government and what happens to those if they are energy conservation developments. I am thinking of the Hears' wood waste project which was sold out to Shell. Were there patents sold along with that, or are those developments available to everyone in the province?

**Mr. Rowan:** Mr. Chairman, my understanding is Shell Canada originally entered into an agreement with an American company for rights in Ontario and Quebec. They may have extended the agreement to other parts of Canada, but they were not Canadian patent to begin with.

9:40 p.m.

**Mr. J. Reed:** So there were patents involved, but they were not Canadian patent, and the government was not involved in the development?

**Mr. Rowan:** In my understanding, that's correct.

**Mr. J. Reed:** Thank you. The other questions I had regarding conservation have been answered.

**Mr. W. Newman:** Coming back to my original question of about an hour ago, Mr. Chairman, I really believe—and I say this as a layman—we have to educate the average citizen on how to conserve energy. It is great to have figures, it is great to have statistics, and it is great to have the technology. We know we have got it, but what we have to do is educate the citizens.

One of your energy notes, for example, says: "Wash full loads of laundry in order to save on hot water." That is fine if you don't live in an apartment and have to pay the hot water bill. It also says, "Use cold water with an appropriate detergent when possible." That is a good example.

I would have to ask Ms. Gigantes about that. Maybe she could verify it for me. Are there cold water detergents?

**Mr. Wildman:** You're not liberated.

**Mr. W. Newman:** I know that. Seriously, if we could do all our washing in cold water—

**Mr. J. Reed:** There are—Zero and Arctic Power.

**Mr. W. Newman:** I don't do the washing. I have a wife who does that.

**Hon. Mr. Welch:** Would you show us how to do it?

Interjections.

**Hon. Mr. Welch:** My wife washes articles in cold water.

**Mr. W. Newman:** I am sure you are not promoting any particular detergent, but if it was possible to do all the washing in cold water, look what it would save on our electric hot water heating bills. I am talking about rural Ontario where I live. I don't live in the city, so I don't have the privileges of natural gas and some of the other things others have. Living in the country where we have to use electric hot water heaters in most cases, if we could do all our washing in cold water detergent, it would save energy. Why don't you tell the housewife—no, I shouldn't use that word. I am sorry.

**Ms. Gigantes:** Whoever does the washing.

**Mr. W. Newman:** Why don't we tell those who do the washing what they should be using?

**Hon. Mr. Welch:** The washer persons.

**Mr. W. Newman:** All right, the washer persons. I am just using that as an example.

We are utilizing about one to two per cent of the solar energy available in this

country right now. That is all we are using for growing crops and everything else. Maybe your people will verify that.

**Mr. J. Reed:** Ontario Hydro is going to pounce on that.

**Mr. W. Newman:** All right, that's fine. I am not worrying about Ontario Hydro. I am talking about practical applications of energy conservation.

**Mr. J. Reed:** I appreciate it.

**Mr. W. Newman:** I appreciate the fact that maybe we should be telling people in simple terms how we could be using some of the energy sources that are available to us today. I think the ministry is doing a good job, but I think we could do more. It would be great if you had more money, but I know it is difficult to get. I think we should do a massive educational program for the average consumer in this province so that he understands how he can save a little bit here and a little bit there.

You said something about cars, though I have forgotten exactly what you said. I heard on the news that when you are driving and are going to accelerate the car up to the speed you want, then you should do it quickly and you will save gas. You say that is not correct. What I am saying is the public is somewhat confused. We should do it in a very simple and straightforward manner. I also think grants should be available. I don't think any government should have to apologize if it loses money on grants to individuals who have some ideas. Some of them will be good and some of them nutty, I will admit, but some money should be spent on some of those projects to let them experiment with them.

I don't like to talk about the past, but in the Ministry of Agriculture and Food there was a program like that and some of the projects turned out very well. What we really need to do—and we can talk in this committee about all the statistics, the engines and light engines and light blocks and all the other things—is to tell the public exactly how it can save here and there.

I would like a simple diagram on how to do certain energy-saving things in my home because, as I say, I am just a farmer and I don't understand all this. I say that rather facetiously because I think farmers are very smart businessmen. You have got to tell that person out there, the average consumer, how he can save. You have done some of it here. There is no doubt about that, and I congratulate you for it, but we don't have to be perfect in what we are doing. All we are



asking is for the public to be convinced to conserve in a small way. I really believe the average consumer wants to conserve in his own way. You tell me anybody that drives less than 70 miles an hour on highway 401 in the morning and I will defy you to find one, because I drive that highway.

**Mr. G. I. Miller:** Or 60 on the Queen Elizabeth Way.

**Mr. W. Newman:** That is fine. You can tell him that and you have told him that. You probably drive 80. There are a lot of things we can do to conserve energy which we are not getting across to the average citizen in this province.

I am not criticizing your ministry, as I think you know a lot of these things, but is there any program you have on energy conservation that you can take to the average person and say, "Do this"?

**Ms. Gigantes:** Put this up on your bulletin board.

**Mr. W. Newman:** It doesn't matter whether you do it on television or wherever you do it, you could spend \$15 million or \$20 million or \$100 million on various projects. That is fine, because they have to be done. I don't deny that, but I happen to feel very strongly that if we can wash all our washing in cold water with certain kinds of detergent—and I must admit I am not knowledgeable about that particular field—then we should educate our citizens to do that.

I say to you, Mr. Minister, I think you know what you are doing on energy conservation. It is a great educational program. I heard your speech several times on the radio in which you said the best way to conserve energy, I believe, was within ourselves. I think we can do that, but I think we need a little bit of direction, and it has to be simple and straightforward.

**Mr. J. Reed:** Maybe we could change those ads to "Bob Welch's helpful hints."

**Mr. W. Newman:** Is there any way you could do that in a simple, straightforward manner, whatever it may be? Sometimes it may hurt some companies. I appreciate that, but I really believe we all want to conserve energy. I do. I have a gas guzzler at home, a particular vehicle, but I don't use it very often because I feel I shouldn't.

Seriously, I think we need to educate people to conserve, even in a small way. You talk about conserving something like two per cent on this project or three per cent on that project. They all help, but the

biggest one is the one you have been talking about. How do we get that message across? I know you have been working on it, but I think we could do even more on that.

**Hon. Mr. Welch:** I have two or three observations. I am encouraged by the comments very much, because certainly in my opinion that is where it is at. I think you have to have the commitment, the awareness, the attitude of the individual in order to proceed. I think we have the public attention at the moment. I think the public are, in fact, anxious to have some particulars.

Can I make just one or two observations? Number one, I spoke to the consumers' association, and that is why this was prepared, because I have the feeling—obviously shared by Mr. Newman and I am sure others—that it is one thing to get involved in the generalities of conservation, but people are simply saying: "Look, I am convinced that we have to do something. What can I do within the sphere of influence that I can exert and in the course of my lifestyle in my home, in my circle, what can I do as my contribution to that?" They are looking for very practical down-to-earth suggestions.

I am meeting, for instance, tomorrow morning as part of our program to emphasize that. I say quite sincerely from the comments you have made and the member for Carleton East has made, something you can do is put information stickers right near the thermostat or on the fridge door or some place where people frequent so that they can see these things with respect to a number of areas, to translate the message in some practical, homely way. You have nothing but full support. I am wondering if we should be inviting the public to come up with ideas themselves. They have done something and they would like to share that idea. Maybe we can have an idea-of-the-month program, in the same way that industry gives an award a month, anything to get people involved across this province in this whole concept.

Some of these percentages that Mr. Campbell made sound like small percentages, but when you think in terms of the volume they are significant. I think it is very important that we do that and I am encouraged that you would mention those.

Mr. Newman talked about the farm. I go home at night wondering how we are going to do all these things, but we met with Agriculture and Food, your former ministry.

There are tremendous people there, anxious to get on with a number of areas. We were talking about some of the things you were talking about. I am encouraged to think what we might be able to do with Agriculture and Food.

When we get into the synthetic fuels and into the alternative fuels it is going to mean a great deal to agriculture. There is no question they are turning some of the marginal land into fairly productive use eventually.

9:50 p.m.

In summary, you would have no difficulty with me—in fact my deputy and others will know what I mean when I say I have this plea, this very well-expressed plea to be practical to give some people some suggestions as to what they really can do. As excited as we are about some of the big projects and about the future and all these other matters that will be developed, what do I do right now? What do I do tomorrow morning?

I don't know what type of washing soap my wife uses, but she has told me she has been doing the cold water treatment on our laundry for some time and it appears to work all right.

**Ms. Gigantes:** Very tidy man.

**Mr. J. Reed:** Do you have a ring around the collar?

**Ms. Gigantes:** Do you have someone in your ministry who knows PR, communications and how to draw up lovely little leaflets of public information? I am not talking about this great mass of glossy publications, and I don't know to whom they go.

**Hon. Mr. Welch:** Actually, we have a fairly active, enthusiastic communications section and information section.

**Ms. Gigantes:** Why aren't you assigning them to review some of the suggestions you have had here tonight?

**Hon. Mr. Welch:** I can assure you that we are having a breakfast meeting tomorrow morning on this very subject.

**Mr. W. Newman:** May I make a suggestion?

**Hon. Mr. Welch:** I want you to push us on this subject and demand that we be more particular and get this thing out. This message is being listened to very carefully.

**Mr. W. Newman:** Mr. Minister, with all respect to your staff, and they have all done a fantastic job, one little thing that can happen is that your scientists or your specialists—

**Hon. Mr. Welch:** Engineers. I have a lot of engineers.

**Mr. W. Newman:**—your engineers in their specific fields will write papers on certain ways to conserve energy. That is great; we need that. But do you ever stop to think that maybe a layman, someone who doesn't know anything about the subject, should write the final article for the public so that they will understand it? I don't say that unkindly; I am saying that in all sincerity.

A scientist writes it his way, the way he understands it, and you probably understand it because you are the minister, or the deputy minister or whoever else, and no disrespect to any of your staff here. However, if a layman wrote it or interpreted it for the average citizen, it would help a great deal.

**Ms. Gigantes:** Hydro used to put out with its mailings every month—and as far as I know they still do—little suggestions on how you can manage to avoid purchasing electricity. They are in the business of selling electricity but they felt very strongly about the efficacy and the need for conservation.

**Mr. Chairman:** Mr. Johnson, did you have a question?

**Mr. J. Johnson:** I had, sir, for the last two hours. I would like to make one suggestion. One of the concerns, for example, in respect to Metro Toronto is that we have 300,000 or 400,000 people living in apartments. I understand there are still problems relating to separate metering, that it creates more expense than the saving involved.

Is there any possibility, as a way of encouraging people who live in apartments to make a joint effort to conserve, to save energy and reduce their hydro bill for a given month, of some rebate from the owner of the apartment complex, in other words, if they were to turn their thermostats down when they leave? They now pay the same amount of rent whether the thermostat is up high or low; whether they use a lot of water or very little hot water. They wouldn't all participate in a joint effort but many would. If the owner of the building achieved a fairly significant saving, could there possibly be some rebate program that would apply?

**Hon. Mr. Welch:** The point you are making, I take it, is that in those apartments where the rent includes all these things there is very little incentive to cut back if it doesn't result in any savings, because the rent is going to be the same anyway. That is an interesting observation with respect to making it attractive, from a monetary point of view, to do this. I suppose it is something on which you would have to deal with the associations of landlords. What is the big one that has a lot of landlords?

**Dr. Rowe:** The Urban Development Institute.

**Hon. Mr. Welch:** Perhaps that is something we should discuss with UDI before too long. I will be glad to raise that with them.

**Mr. J. Johnson:** The point made by Mr. Newman was that we looked at all the major ways in which we can save, but if it is a matter of many people saving a little bit it will amount to quite a substantial saving in any source of energy.

**Hon. Mr. Welch:** If there was time tonight we would show you some other things. In fact, you will have to restrain us in this matter. We're working very closely with the Ministry of Education. I think if you're going to get this message across it should really be part of the school program and there should be projects in school.

Some of the teachers' manuals on learning materials that we've developed for education in this whole area of conservation are very good. You have to rely on school principals and teachers in order to do this. The requests we get for materials from the school system are very significant. The letters I get from school children in the province wanting some information for their projects. It would be hard to give a social studies course in Ontario today, or in the country, without taking into account the whole question of conservation.

The point is that young people have a great influence in their homes. You can tell when you are in an area where the schools have turned their children loose on their parents at home with respect to practical things. I wouldn't dismiss any idea as not being important. I think they should all be followed up. I think we have an attitude and an interest right now. What we want to do is capitalize on it.

One of the attractive things about any program of conservation—I think it was President Carter who reminded us of this when he was starting in these areas—is that one really is involved in a program that is encouraging people to keep money in their pockets. The energy we don't use we don't have to pay for.

There is a very practical result from these programs, let alone making a contribution to the national goal of self-sufficiency and of cutting back on demand. The energy we don't use happens to be—as the messages are reminding you—our most immediate source of additional energy at the moment.

**Mr. Wildman:** Despite Mr. Johnson's admonition against supplementaries, I am inter-

ested in the topic he raised. If you would allow one supplementary to it, Mr. Chairman, I would appreciate it. In regard to the question of bulk billing for an apartment building, in some parts of northern Ontario we have a similar problem—similar in some ways and different in others—in that we have a lot of mobile home parks. In my area, much of which is not served by Ontario Hydro but is served by Great Lakes Power Corporation Limited, we have approximately 12 per cent of the mobile homes in the province.

Great Lakes Power, for some reason of which I am not quite sure, except I guess it doesn't have to hire as many meter readers, refuses to go into those parks and read individual meters—not all the parks have individual meters, but those which do—and send individual bills to the owners of the mobile homes. Instead, they send a bulk bill to the owner of the mobile home park, whose responsibility it is then to somehow divide up that bill, either by having read the meter himself or getting someone else to do it for him. Some of them at one time apparently seemed to just divide up the bill evenly among all the people.

I'm wondering what effort, if any, can be taken to influence Great Lakes against this system, which is not only unfair economically and financially for the tenants, but certainly doesn't do anything to encourage anyone in a mobile home park to save on energy because they may or may not get any direct benefit from it themselves, the same as in an apartment building.

**Hon. Mr. Welch:** I think this whole question does tie into Mr. Johnson's question as to whether something should be done about bulk-metered situations. We are giving some thought to that now. I am expecting, as I remind myself here, a staff recommendation before too long on this particular subject. It would be proper to take into account what you have said as we follow up on that. I may have something more to say about that once I see what is recommended.

10 p.m.

**Mr. Wildman:** You might refer to previous Hansards dealing with estimates matters have raised with both of your predecessors. Neither one of them has done anything.

**Hon. Mr. Welch:** The difficulty with this is there are both capital costs and operating costs involved. As in most of these things there are no simple answers. On the other hand, the point that is being made, aside from a solution, is that one effective way you can get the message across is when people are actually charged for what they use.



When you have a system which provides no incentive for that so that everybody is going to carry the cost, it is difficult to accomplish such a purpose. I think that is the message.

**Mr. J. Johnson:** In conclusion, I would like to support Mr. Newman's contention that we should start at the basic level with people, asking them not to save a lot, but to save a little many times. I think if we can educate them to save a little bit each day or even each week, whether in driving the car or turning off a light or something of this nature, then over a period of time we will achieve the objective we are looking for.

I do not think the answer lies strictly in the schools because, for instance, in many apartment buildings there are very few children. I think we have to concentrate on a broader aspect. I am not sure how we can get through to them, but I do feel that we have to have an education program that will reach these people and convince them to save. I accept the proposition that Mr. Newman has presented that it is a simple straightforward solution—certainly not washing with cold water, but something of that nature. If they start at that level, then it is easier to move to higher areas. If you ask them to save thousands of dollars, there is no way. They think it is beyond them and they do not even try.

**Mr. W. Newman:** To wind up my line of questioning, and at the risk of sounding slightly left of centre, I think that today there is a certain group at a certain income level—if I may use the word, a lower income level—who are very conscious about saving every penny they can, whether it be on food and taking advantage of it, or on hydro or gas in the car and not using it too much. There is another group of people that we are not reaching, and I do not know how one reaches those people. I ask you if you have any way you think you can reach those people.

I come back to an example I used only temporarily. I do not know how many swimming pools, for instance, there are in this province, but in my former capacity I have flown over the city of Toronto and other areas and there are a lot of swimming pools. Most of the people who have swimming pools are in a little higher income bracket. Those people are going to say, "Okay, it is going to cost me an extra \$50 a year or \$60 a year to do what I am doing now, so I am not going to worry about it." How do you reach those people and say, "Look, you should be conserving too"?

Not too many people use thermal blankets on pools. They save a lot of heat. Today most pools have heaters in them that use a lot of fuel, whether natural gas, oil or propane or whatever they are using. How do you reach that middle and higher income group and convince them they should also be conserving more?

The lower income group came to the point where they really had to conserve. I am not going to be personal, but I know of a particular case up my way where if a wife catches her husband turning the lights on, she says, "Turn off the lights. We only have so much income." You have other income brackets who are reluctant to worry about it who will spend an extra \$50 or \$60, whatever it may be. I can appreciate the fact you may not want to try to preach to those people, but maybe they are the ones who should be preached to and told, "Look, you should be conserving too." It is a difficult thing to deal with, but have you any suggestions on that?

**Hon. Mr. Welch:** I think that is a further illustration of the need to particularize the message. For example, the way the Ministry of Transportation and Communications in its conservation program urged people to do two simple things—not to leave their cars idling and to keep the pressure of their tires up to a certain point—is very practical. My reaction when I heard that message myself was to be conscious for the first time of the importance of the pressure of the tires on the car I have at home. I do not know how many people really understood that until it was brought to their attention. If people, like Mr. Campbell suggested, are doing it to that extent, then there must be some saving.

Since we are coming into the summer time, obviously the time when pool covers are coming off, then perhaps the conservation message should be directed in a practical way to people who own swimming pools. It should be one of those public information commercials we are developing directed to the owners of pools. We could do some practical things along that particular line. We might urge people, for instance—I do not know how revolutionary this may be—to take advantage of the good weather to hang their laundry outside to dry rather than putting it in the dryer. We could get very practical in these things and talk to people within the realm of their personal experience.

**Mr. J. Johnson:** Just a brief supplementary on that: I know of an area where a local bylaw prohibits hanging clothes outside.

**Ms. Gigantes:** That happens all over.

**Mr. J. Johnson:** Is that right?

**Ms. Gigantes:** Sure, in condominium areas.

**Hon. Mr. Welch:** Of course, I am talking about places like Niagara-on-the-Lake and other areas. I suppose you cannot hang clothes up on the balcony of your apartment building.

**Mr. G. I. Miller:** Mr. Chairman, I have had this question for some time. Although the minister does a good job advertising on the radio each morning, I wonder what the benefits are. Are they political? As a member of the opposition party, it concerns us a little bit. Are you using this particular time for political advantage or for the saving of energy? You do do a good job on that, I will admit. What is the cost of that particular advertising program?

**Hon. Mr. Welch:** I do not have the cost of that radio program. I will get that information. I am glad you are impressed with it, but I do not know what it is doing.

**Mr. Wildman:** Perhaps the minister would like to get involved in a trio operation with both critics and then he would never be accused of being political.

**Hon. Mr. Welch:** As far as I am concerned, any voice would be important on that.

**Mr. Wildman:** I mean all on the same program.

**Hon. Mr. Welch:** I think we could all sing from the same hymn book in that church.

**Ms. Gigantes:** It might be the case that my Conservative colleague would be interested in the kind of slogan I use around our house. I find it very effective.

**Mr. Wildman:** With her husband.

**Ms. Gigantes:** With other members of the household. What I say is "Don't give the so-and-so's another penny." It works very well.

**Hon. Mr. Welch:** Could I use that on a commercial? Is it a four-letter word?

**Mr. G. I. Miller:** Have you given any consideration in discussion with the Minister of Transportation and Communications to setting a speed limit at a uniform rate across Ontario rather than varying it up and down. The United States has implemented a 55-mile-an-hour speed limit and it is being enforced very effectively. I know you are going to say they should be allowed to drive at 65 or 70 on the Queen Elizabeth Way. I have been talking to transport people and they feel it is the most efficient and effective way to save. Our trucking industry probably uses as much oil

as any other segment of our society. Coming in on the Queen Elizabeth, I counted 400 trucks at different times in three quarters of an hour. I think it would be effective. You might indicate how you are going to control it. For example, when I took a little side trip a few years ago to Switzerland, I found they use a camera to control the speed limit. I know it is almost impossible to use our OPP or enforcement officers, but I think the camera could be utilized to maintain a uniform speed limit that would be both a safety factor and a very important energy-saving device.

10:10 p.m.

**Hon. Mr. Welch:** Mr. Miller, I would like to have your opinion and that of other members of the committee about this. There is no question that the evidence is now established fairly substantially that if you can control speed you will save a great deal of fuel. Is the public ready for stricter enforcement with respect to even a lower speed? I'll put that as a factor question.

I would think we would have to do it in at least two stages. Number one, if people today would simply obey or respect the present speed limit, let alone a lower speed limit, I would venture to say—and I don't know whether Mr. Campbell has that figure—we could show some effective saving just by travelling at the speed limits we now have.

**Mr. G. I. Miller:** I would like to answer that. When I use the 50-mile-an-hour speed limited coming in on highway 6, I find that 75 per cent of the people drive at 50. I have a little habit of going at about 55 miles an hour and I pass many cars. It is the same on the Queen Elizabeth Way. You can laugh at this if you want to.

**Mr. W. Newman:** They probably do 65 or 70 and move with the traffic, more or less.

**Mr. G. I. Miller:** They move at 100 kilometres or 105 kilometres. It is much different than it was when it was up to 70 miles an hour. They stay fairly close to it. The thing that really concerns me is when I go between Brantford and Hamilton on highway 2 which is four-lane. What is it set at? It is set at 45 miles an hour. I think that is ridiculous in today's society. You change from 45 to 50 to 60 miles an hour.

The Americans have utilized a uniform speed limit. Why did they do it?

**Hon. Mr. Welch:** I am not arguing with you at all. I am convinced that speed limit can have an effect with respect to the conservation of energy as far as motor vehicle

are concerned. There is no question about that.

**Mr. Wildman:** You are going to have to leave your calling card with the Solicitor General for more money for police officers.

**Hon. Mr. Welch:** I don't want to take a lot of time, but in my hometown in Niagara when you go to get the mail or go to the store, you get a lot of political advice every weekend. I had a man stop me on the way to the post office the other day and say: "I've been hearing those messages. I want you to know that I went to Hamilton airport the other day and I drove back at the speed limit. I had to check the side of the road to see whether I was really moving the way the people were whizzing by me. I don't think it's working."

**Mr. J. Reed:** I'm glad he didn't get out of the car to find out what was wrong.

**Hon. Mr. Welch:** If we just obeyed the present limits, we would have some conservation.

**Mr. G. I. Miller:** I don't suppose anybody drives any more than I do, and I don't have a chauffeur either. As a matter of fact, I drive 35,000 or 40,000 kilometres a year. But I feel that just having a speed limit has considerable results. People follow it quite closely. I figure they would follow it more closely by using the camera device, and then people would appreciate it. We found the camera used in Switzerland on that excursion we were on.

**Hon. Mr. Welch:** Were you on government business at the time?

**Mr. J. Reed:** On holidays?

**Mr. G. I. Miller:** Not holidays either. We were promoting Simmental cattle, a breed which we don't have. It originates in Switzerland.

**Mr. W. Newman:** I thought cattlemen were hard up these days.

**Mr. McKessock:** Not in Switzerland. They get \$1.50 a pound for their beef and 25 cents paid by the government.

**An hon. member:** For finished beef?

**Mr. McKessock:** That is on the hoof.

**Mr. G. I. Miller:** Queen's Park should set an example. The chap from the Ministry of Transportation and Communications indicated plug-in heaters were effective in fuel conservation. Maybe it wouldn't be a bad idea to set an example and have plug-ins here for cars.

**Mr. J. Reed:** If they do I am going to buy an electric car.

**Mr. G. I. Miller:** I have another question I wouldn't mind asking. It came to me today. A chap wanted to manufacture alcohol fuel to run automobiles and is interested in the removal of sales tax from alcohol gases. Has that been achieved?

**Hon. Mr. Welch:** That is in the budget.

**Mr. G. I. Miller:** When does it come into effect?

**Hon. Mr. Welch:** As of Tuesday night last.

**Mr. G. I. Miller:** However, he wrote the federal ministry of excise tax and received a letter saying he would have to put up a \$200,000 bond before he could make alcohol because it could be used for illicit purposes such as moonshine.

**Hon. Mr. Welch:** We are negotiating that now. That matter came up under another vote.

**Mr. G. I. Miller:** Thank you.

**Mr. Chairman:** Is there any more discussion on item 1, vote 2004?

**Mr. G. I. Miller:** When will we have the figures for the advertising?

**Hon. Mr. Welch:** As soon as I get them.

**Mr. J. Reed:** Do you get paid ACTRA rates for doing those?

**Hon. Mr. Welch:** Actually, my parents do for the clapping.

Vote 2004 agreed to.

On vote 2005, regulatory affairs program:

**Mr. Chairman:** Mr. Minister, do you want to make any remarks?

**Hon. Mr. Welch:** No. I have the members from the Ontario Energy Board and from the Ontario Energy Corporation here. There are three things we have yet to do: the energy board, energy corporation and Hydro. What does the committee want to do?

**Mr. J. Reed:** Mr. Chairman, with respect, if the members of the energy corporation and energy board are here and if we have just 12 minutes, I am not sure that is sufficient for such an important area.

**Hon. Mr. Welch:** I wouldn't want the chairman of the board to feel he hadn't dropped in for some purpose.

**Ms. Gigantes:** Mr. Chairman, we had a discussion in December with Mr. Clendinning about the philosophy of pricing policies that the OEB operated on in terms of its attempts to define prices in the field to which it has responsibility.



The question I want to ask relates to the comments the Porter commission incorporated in its final report concerning electricity in particular. The Porter recommendations certainly went beyond the recommendations of the Ontario Energy Board in terms of proposing that government policy be directed towards reflecting increased marginal cost.

I would like to know whether Mr. Clendining had an opportunity to review the Porter recommendations and if so what observations he would like to make about those recommendations.

**Mr. Clendining:** In response to your first question, yes, I have had an opportunity to review the Porter recommendations. Your second question is a little more difficult. I don't have notes on the summary of the report and I can't recall the comparison between those comments and what you refer to as the board's view. Do you want to get into that, Ms. Gigantes?

**Ms. Gigantes:** The board produced a report since our last discussion on pricing policy for Ontario Hydro. It had a limited number of recommendations to make, concentrating on the area of time-of-day use in particular.

**Mr. Clendining:** Yes, of course. I am just not clear what your question is.

**Ms. Gigantes:** Although he didn't say so directly, Commissioner Porter in effect went beyond the recommendations that had been made by the OEB concerning present policy for electricity in Ontario. He suggested to the government that it should be moving towards an attempt to reflect increasing marginal production costs for increased use of electricity in this province.

10:20 p.m.

**Mr. Clendining:** You are familiar with the board's report on costing and pricing. Your point is that Porter has gone somewhat beyond that. What you are saying really is that it perhaps has taken a slightly different direction—contradictory perhaps?

**Ms. Gigantes:** No, I think it is the same direction. I think it is wider in its ramifications. It certainly calls upon the government to take further steps than the steps you indicated might be appropriate in your OEB report.

**Mr. Clendining:** Right. I am sorry I am still not quite clear what your question is though.

**Ms. Gigantes:** My question is what do you think of that?

**Mr. Clendining:** I think it was an interesting report, but I think we have to keep in mind that their objective in terms of reference or whatever were quite different from the board's report on electricity costing and pricing. The ground rules, the whole basis, were different. I don't think it is a fair question to ask us to compare one to the other, if I understand you correctly.

**Ms. Gigantes:** You don't? I certainly do feel it is fair to compare the two of them because both reports examined the philosophy of pricing that is used in Ontario for the pricing of electricity. The Porter commission report endorsed those recommendations, for example, that were made by the select committee on Ontario Hydro affairs—actually, it was called an inquiry into rate proposals for 1976—in June 1976.

There are two major documents which have been funded by the Legislature of this province which have looked at the question of electricity pricing and what the philosophy of that pricing system should be. They both come up with a different suggestion from the recommendations the OEB made.

**Mr. Clendining:** All right. I apologize for my denseness. I am going to ask the person who presided over the costing and pricing report to make a comment because she probably has a more in-depth view than I have to it. I think that would be of more interest to you.

**Ms. Gigantes:** I would appreciate that. I would also appreciate the minister making some comment from these three major reports that dealt with the philosophy of electricity pricing in Ontario.

**Mr. Clendining:** Could Miss Wychowaneck the vice chairman and the board member who presided over the electricity costing and pricing study, deal with your first question? Would that be suitable?

**Ms. Gigantes:** Please.

**Miss Wychowaneck:** Mr. Chairman, I am not sure I can entirely satisfy Ms. Gigantes on her question, but I would like to point out two things. In our report, I think you will recall we indicated we had a great deal of difficulty in defining precisely what marginal costs were.

**Ms. Gigantes:** Everybody does.

**Miss Wychowaneck:** Everybody does. In the Porter report, there is mention of marginal cost pricing, but we don't have the volumes which we expect to come forward. All we have are the bare recommendations. I am not sure precisely what Dr. Porter means by marginal costs.

**Ms. Gigantes:** As you will recall from your report, if I am remembering accurately, Dr. Porter acknowledged the difficulty of establishing marginal costs. But he also said, I think as clearly as one could say, that the philosophy should be as much as possible to reflect marginal costs. That was a different decision in its totality from the decision which was recommended by the OEB.

**Miss Wychowanec:** It may be, but until we have the volumes in which he goes into his analysis of marginal cost pricing, I think it is difficult for us to comment on his report. Our report was based on the evidence we took over a two-year period. I don't know the evidence that Dr. Porter depended on and I don't know what the supporting material is. We may not be that far apart, although we are using different words. I think we do need to know precisely what he means, and I think it is difficult to do that now.

**Ms. Gigantes:** I don't think it is a question of semantics, with respect, because the board in no way suggested that there would be any attempt to change the existing rate structure except in as far as it proposed some modifications to pricing on a time-of-day use, and that was it.

**Miss Wychowanec:** That's right. We recommended the accounting cost.

**Ms. Gigantes:** Could I ask whether the minister has given any consideration to the fact that two reports in the last four years have very strongly recommended a change in pricing philosophy, which the government should be contemplating, and that one report by the Ontario Energy Board, in which a lot of us have placed a great deal of hope in terms of a step forward in the development of pricing policy, particularly in the electric field, didn't deliver on that promise? What kind of consideration or what kind of weight is the government proposing to make of the OEB report compared to the Porter commission recommendation and the very clear and earnest recommendation by the select committee back in 1976?

**Hon. Mr. Welch:** I think the member knows that both at the time of the issuance of the Ontario Energy Board report and the Porter commission's report. I indicated a process with respect to follow-up. The OEB report has gone to Hydro, and we as a ministry are co-ordinating the response to Porter. I think perhaps it would be understood by the member and others that I would not want to comment on either of those reports now in order not to prejudice the process.

Certainly you will have my input into the government's ultimate determination and response with respect to Porter. I'm waiting to see what the public utility itself will do with the Ontario Energy Board report when it reports back. That process is quite clearly understood. It would be premature for me to comment at this time.

**Ms. Gigantes:** Again, with respect, if it is premature for the minister to comment, it was certainly premature for Ontario Hydro to decide what it was going to do with the recommendations that were going to be forthcoming from the OEB, because it jumped the gun on the recommendations of the OEB at Ontario Hydro and proposed what Hydro calls experimental programs which are, in my view, in no way experimental because they are based on groupings which don't provide a control group as opposed to an experimental group.

There is a lot of self-selection in how the people who participate or the firms that participate in these so-called experiments will be chosen. I would ask the minister—we don't have much more time this evening to discuss this—to take a look again at the proposals of Ontario Hydro which came, as I will stress again, before the report of the OEB and which were a clear indication of what would be coming from the OEB in terms of the limitations of philosophical development on pricing policy for Ontario Hydro and which to my mind are a stall.

I said in the Legislature at the time, and I believe it to be true, that if Ontario Hydro is allowed to engage now in another two or three years of so-called experiments to find out, for heaven's sake, if we can implement time-of-day pricing, and if that is it in terms of pricing reform for electricity, or indeed the whole philosophy of pricing, including pricing for natural gas in this province, then I think the public of Ontario is perfectly justified in feeling enormously disappointed in the failed promise of this whole procedure of reviewing our pricing philosophy as it is regulated within the province.

**Hon. Mr. Welch:** It seemed to me in the Hydro release—I could be wrong—they had imposed on themselves some type of a timetable that they would be back by October of this year.

**Ms. Gigantes:** We had a witness before us in 1976 from a United States utility. He was a consultant to a utility in Wisconsin, as I recollect, which had undertaken some pretty decisive changes in pricing philosophy. He said to us loud and clear, right in this committee room, as I recollect, "if

government officials or utility officials tell you that it is going to take longer than a year to get into rate reform, you tell them that is nonsense."

We have now gone through a process which has taken—well, we are being told that it was under consideration and all that kind of jazz back in 1975-76. We are now in 1980 and what we have is a proposal for two or three more years of "experiments"—I don't think they should be dignified by the description "experiments"—from Ontario Hydro which will successfully stall even

the implementation of something like time-of-day pricing, and that is the most limited kind of reform one could forecast.

**Mr. Chairman:** With that, the committee will adjourn and meet at 7 p.m. on Tuesday.

**Ms. Gigantes:** If the minister has no other comments to make about the government's intent in this area, I have no further questions.

**Mr. J. Reed:** I have some.

The committee adjourned at 10:32 p.m.



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No. R-9

# Legislature of Ontario Debates

## Official Report (Hansard)

**Standing Committee on Resources Development**  
Estimates, Ministry of Energy



**Fourth Session, 31st Parliament**  
Tuesday, April 29, 1980

Speaker: Honourable John E. Stokes  
Clerk: Roderick Lewis, QC

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# LEGISLATURE OF ONTARIO

## STANDING COMMITTEE ON RESOURCES DEVELOPMENT

TUESDAY, APRIL 29, 1980

The committee met at 7:05 p.m. in committee room No. 1.

### ESTIMATES, MINISTRY OF ENERGY

(concluded)

On vote 2005, regulatory affairs program:

**Mr. Chairman:** The committee will come to order since all parties are now represented. **Mr. Gaunt,** you are replacing **Mr. Reed;** so we will give you the opportunity to speak first on vote 2005.

**Ms. Gigantes:** **Mr. Chairman,** before we get into it, did we have an agreement not to take this vote—are we on vote 2005, the regulation vote?—beyond, say, an hour so that we will have a substantial period left over for Hydro questions? We may not, in fact, use an hour for it.

**Mr. Chairman:** You heard this proposal, **Mr. Gaunt?**

**Mr. Gaunt:** I'm sorry. I was discussing another matter with the clerk.

**Ms. Gigantes:** I was hoping, **Murray,** that we would be able to finish up this vote before 8:30 so we would have enough time—

**An hon. member:** Before eight.

**Ms. Gigantes:** Before eight would be better—so we would have two and a half hours left.

**Mr. Chairman:** To discuss the Ontario Energy Corporation and Ontario Hydro.

**Mr. Gaunt:** Okay, I will be as swift as I can, **Mr. Chairman.** As far as I am concerned, I think I can finish up before eight o'clock. We are dealing with the Ontario Energy Board, are we not?

**Hon. Mr. Welch:** That's right; on vote 2005.

7:10 p.m.

**Mr. Gaunt:** I want to find out exactly how the standby charges to industry work in terms of the Ontario Energy Board. Is the board responsible for approval of things like standby charges to industry?

I gather, as it stands at the moment, the standby charges to industry are perhaps the largest single deterrent to private development in industrial cogeneration. I think there

was some suggestion—and even this was identified by the government—that there was a potential of 700 megawatts of cogeneration in Ontario as far as industry was concerned but there was a problem with respect to standby charges in that they were too high. Certainly, as the charges now stand, industry was not interested. There was not the financial incentive to move them into this cogeneration program. I am wondering whether the Ontario Energy Board has any role in that particular matter.

**Hon. Mr. Welch:** **Mr. Clendining,** could you respond, please?

**Mr. Clendining:** I will certainly try, **Mr. Minister.**

**Mr. Gaunt,** the Ontario Energy Board's role with regard to Ontario Hydro—you are speaking of electricity and Hydro, obviously—is that we serve in an advisory capacity. As you are readily aware, we do review the bulk power at the wholesale level at which Hydro sells electricity on an annual basis. We have our report, under the statute, in to the ministry and Hydro by September 1 each year for the year following. In other words, our report in September 1980 will be for the year 1981.

What the board looks at is the rate level to be charged by Ontario Hydro at the wholesale level, which largely includes the municipalities and certain industrial customers.

I am wondering, sir, if your question would not be more appropriately addressed to representatives of Ontario Hydro themselves, who I understand are to be here later this evening.

**Mr. Gaunt:** I am going to address it to them, you can be sure, **Mr. Clendining,** but I wanted to ascertain your role. You tell me it is primarily an advisory role?

**Mr. Clendining:** It is an advisory role as opposed to a regulatory role, yes. We look at the Ontario Hydro position once a year. We look at their rates. We look at what they propose to raise their rates to for the succeeding year, and we make a report of the board's view as to what Ontario Hydro should do. This is advisory, as I say, as opposed to regulatory.

I distinguished advisory from regulatory because if we did the same thing with a natural gas distributor, for instance, we would have the final decision. We would, in effect, issue the instruction or the order to the company as to what rates they should charge. In the case of Ontario Hydro, it is the board's objective review of what we feel Ontario Hydro's rates should be. It ends there, and then Ontario Hydro makes its own decision with our outside input.

**Mr. Gaunt:** So you can have advisory input into the eventual decision that Hydro makes, but no more and no less?

**Mr. Clendining:** That is correct, sir. We make a report, which is publicly available, but it is an advisory one as opposed to making a decision.

**Mr. Gaunt:** All right. That is fair enough.

I want to ask as a matter of information on another matter, this being the export of electric power, does the Ontario Energy Board have any approval role to play in the export of electrical power? As I understand it, the federal legislation requires that electric power sold outside of Ontario or, indeed, Canada be sold at a higher price than the price charged here in Ontario or in this country. Do you have any role to play? Do you approve the export of that power and the rate at which it is exported?

**Mr. Clendining:** No. Again, our relationship with Hydro is purely advisory; so we don't approve or disapprove.

As you noted, I think, the export of electric power is a national matter, or a matter for the National Energy Board, if you wish. In the event that any Canadian hydro or electrical company wants to export, they have to get authority from the National Energy Board. That would include, of course, Ontario Hydro. The National Energy Board then determines the need within Canada and in the local area, and the price at which the electricity is to be exported. It is not an Ontario jurisdiction matter, no, sir.

**Mr. Gaunt:** So you play no role in terms of the price at which it is exported or in the approval to export?

**Mr. Clendining:** No. That is a National Energy Board matter.

In the bulk power hearings that I mentioned earlier, we have reviewed that aspect of Ontario Hydro's operation, again in an advisory role. But we make no decisions on it at all.

**Mr. Gaunt:** I see.

May I turn now to the approval of gas rates? Does the board simply rubber-stamp

the 85 per cent of crude oil pricing? There has been some suggestion that the 85 per cent be lowered to encourage people to move to a greater extent into the use of gas.

**Mr. Clendining:** That is another federal matter. The Ontario Energy Board, in regulating the price or cost at which gas is sold in Ontario, deals in terms of the cost of gas entering the province. Of course, 98 per cent of the gas used in Ontario comes from western Canada. It comes into Ontario by TransCanada PipeLines at a city-gate price—a delivered price which has a relationship to crude oil prices. None the less, the price of the gas the companies buy in Ontario is set by the federal government, by the National Energy Board. We have no input at all. It is a given, if you wish, in any rates hearing that we deal with in Ontario. I guess the short answer is no, we don't get involved in that.

**Mr. Gaunt:** In terms of applications made for rate increases in the province, how many of those applications have you dealt with in the past year? Would you know offhand?

**Mr. Clendining:** I can look it up. Maybe I could ask for a little clarification. Do you mean how many hearings? How many rate increases were there?

**Mr. Gaunt:** Yes, how many rate increase requests were there during the past year by Consumers' and Union Gas?

**Mr. Clendining:** All right. Last year from April 1, 1979, to March 31, 1980, which has just gone by, we had two major rate hearings with Consumers' Gas. With Union Gas we likewise had two major rate hearings. Let me go on to Northern and Central. That is the other large gas distributor in Ontario. We dealt with only one rate increase.

Having said that, frequently within a rate hearing, which I am actually referring to at the moment, there is more than one actual rate increase. There will be a general rate increase to make up for what is referred to as a revenue deficiency, meaning the amount of additional revenue the company requires in order to meet the rate of return the board has determined is fair for that company. That is largely made up of increased costs of doing business, in simple language. That would be one.

7:20 p.m.

In addition, there are the gas cost increases, the ones we were referring to a moment ago, where the price of gas entering Ontario was set by the National Energy Board. In recent years this has been a twice-a-year increase, and in due course that passed through in some form, maybe n

entirely. None the less, it is flowed through in part to the customers.

Those are another two increases which occur within the general umbrella, if you wish, of the rates hearing that is ongoing. They are called interim hearings because they are done a little more quickly than the overall rate hearings, which examine the financial position of the company in very great detail.

**Ms. Gigantes:** Could I ask a question, Mr. Chairman? Is it actually the NEB that sets the BTU rate equivalent price for gas? I thought it was the federal cabinet.

**Mr. Clendining:** The National Energy Board is the body that makes the recommendations. As I understand it, there is an order in council which actually authorizes it.

**Ms. Gigantes:** It is the federal cabinet that makes the final decision?

**Mr. Clendining:** Yes.

**Mr. Gaunt:** As I understand it then you have had two, to use your term, umbrella requests from Consumers' Gas and Union Gas, and one from the other company in northern Ontario?

**Mr. Clendining:** Yes, sir.

**Mr. Gaunt:** May I ask, were the requests granted in those five major hearings?

**Mr. Clendining:** Yes, there was an increase in each case. The amount that was requested by the companies in each case was not identical with the amount allowed. To put it differently, there was an amount allowed which was less than the amount that the companies requested on each occasion. If you want the particulars I can find them in my notes. They were always less.

**Mr. Gaunt:** So your role here is something akin to the Canadian Radio-television and Telecommunications Commission in terms of all Canada or other regulatory functions which the CRTC carries on?

**Mr. Clendining:** Yes.

**Mr. Gaunt:** You do have a large measure of discretion in filtering through the material that is presented to you? You make your judgement call based on the information you have in front of you, most of which I presume is presented by the companies making the applications?

**Mr. Clendining:** They are presented by the companies, yes. It is examined in a cross-examination process, a court-like procedure, by interveners, interested parties, as would be the case in a CRTC hearing. It is examined by board staff; we use counsel to cross-examine. Finally, in the hearing process,

the various submissions made by the companies are examined—or questioned, if you wish—by the board panel itself. To that extent it is a similar regulatory role to the CRTC but with a somewhat different scope.

**Mr. Gaunt:** That being the case, I presume you could throw in any number of caveats in terms of tying some matters to approvals such as an expansion of the gas infrastructure into areas like western Ontario and so on? In other words, you could attach some strings to those approvals?

**Mr. Clendining:** I suppose the answer would have to be yes, we could attach conditions to any approvals we gave. The type of rate increases I am speaking of is largely a reaction to an application for more revenue.

When we are dealing with the installations the company has made for rate-setting purposes, we don't deal with their future plans. I hope I am understanding you correctly. We don't deal with their future plans; we deal with the installations they have already made, the money they have already spent. We can look at that and say it was a wise decision and allow it as a part of the rate base, or we can disallow part of it if we feel, in our judgement, it was not entirely wise or whatever.

**Mr. Gaunt:** I am thinking here of government policy. For instance, if the government had an announced policy that it wished to embark upon a large-scale conversion program—converting oil furnaces to gas or something of that nature—would your board be in a position to attach those kinds of conditions to approvals? In other words, could your approval reflect government policy by attaching conditions thereto? Have you ever done so?

**Mr. Clendining:** To my knowledge we haven't done so.

**Mr. Gaunt:** Could you?

**Mr. Clendining:** Yes, we could. When a gas company wants to expand its distribution system into an area where it is not operating—if it is a certain type of expansion; the transmission type of line—they come to the Ontario Energy Board for approval beforehand to make this expenditure and this construction. The board looks at the feasibility of the installation, and, of course, at the right of way and at environmental considerations in building a pipeline.

I appreciate that is another matter. To that extent the board does approve something that is in the future. The board is not currently in a position to make a condition of allowing something to be done which might not be economic. In other words, we



have to review the economics beforehand. Am I missing something? I am trying to be helpful.

**Mr. Gaunt:** No, I am following you. I have a selfish purpose in asking the question, because Dome Petroleum has a good well in West Wawanosh township, which happens to be the township in which I was born and raised, and I am quite familiar with it. They capped it. It has been capped for about six years. Wingham wants gas. Lucknow wants gas. Dome says it is not sure it's economic, although as the price moves up it is becoming more so.

In a similar circumstance, where you were dealing with a request for rate increases, would you ever entertain attaching conditions to the approval along the lines of saying, "Yes, we approve of your rate request provided you take the gas to these communities"?

**Mr. Clendining:** No. I see what you are driving at. The two matters would have to be handled separately. There is a jurisdictional matter here in the sense that the producing of gas or oil wells in Ontario is under the regulatory jurisdiction of the Ministry of Natural Resources. If a well isn't producing, that is something we don't deal in.

I can't see any case in the present environment where we could approve a rate increase for an area, for a total company, on the condition that they do something that wasn't really related to the rate application. I guess my answer would have to be that we could not do that in the present situation.

**Mr. Gaunt:** Would you have any idea how many wells are capped in Ontario, or would that be a figure held by the Ministry of Natural Resources?

**Mr. Clendining:** It would be in the Natural Resources area, although we do watch this with interest. I just don't happen to have that information with me.

7:30 p.m.

**Mr. Gaunt:** Is the Ontario Energy Board empowered to amend the areas of monopoly which each of the gas companies has? Can you change the areas?

**Mr. Clendining:** The areas of monopoly are really a collection of the individual franchises that the companies hold in various communities and municipalities or whatever. The board normally would not have any occasion to go in and say, "I want you and you to give that to Consumers' Gas" or something of that sort. The normal process is that the company, whichever gas company

is in the area, arranges with the local municipality to obtain a franchise.

At this point, any area that is being served by natural gas in some form through a franchise arrangement. From time to time these franchises run out; they have terms of 20 or 25 years, perhaps 30 years. But in the last year or two there have been a number of applications before the Ontario Energy Board to approve a franchise renewal. If there were an opportunity to make a change, I suppose that would be the time to make it. The process, however, is that the company that has been serving gas in the particular area comes to the board with an agreement to continue to renew the franchise agreement, and the board then approves it subject to certain conditions.

In the past year—I am just trying to get a total here—there were 14 Consumers' Gas, 22 Northern and Central Gas, and only three Union Gas franchise approvals of that nature. But there were quite a number in total because of the 20- or 25-year period being up. There are a number more coming up this year. So the board hasn't had occasion to make a change of the franchise wholly because it's always going to be with the municipality under, I believe, the Municipal Franchises Act.

**Mr. Gaunt:** So these are all renewals of which you speak?

**Mr. Clendining:** I'm sorry; not necessarily all. There have been for the last couple of years, and will be for the next few years a great number of renewals because it happens to be 25 years or whenever since they were first made, since gas was widely available. On occasion there are new franchises. Where a company has found that it is economic to serve another area and it has made a franchise agreement with a municipality the company has come to the board for the first franchise and a certificate to build a system in the community. So there are new ones as well; but most of the cases we have been handling have been renewals.

**Mr. Gaunt:** On renewal, have you ever changed the franchise boundary?

**Mr. Clendining:** I can check. I don't believe we have. The franchise boundaries may have been changed by the revised or new franchise agreement with the municipality. But I can't think of any case where the board has changed the boundary.

**Ms. Gigantes:** Could I ask a supplementary? If a municipality decided in the period that was covered by a certain franchise agreement that it wished to change the

agreement, would you have a role to play in that?

**Mr. Clendining:** If the municipality wished to issue a franchise to another company, for instance?

**Ms. Gigantes:** Yes, or take over the franchise itself.

**Mr. Clendining:** We would eventually have a role to play, yes. We don't have the aggressor role, but we would have the role of approving the new franchise.

**Ms. Gigantes:** Have you had that happen in the middle of a franchise change?

**Mr. Clendining:** We have had no franchises that have changed from the original that I am aware of. I can check that if you wish. I know of none.

**Mr. MacDonald:** Can I ask a supplementary? Now I understand what Murray is getting at. When you renew a franchise, would you ever say, in effect: "Fine, we will renew it. But there are two communities, Lucknow and Wingham, that want gas. They are willing to enter into a franchise which would be an extension of the current monopoly area." Would you ever say: "Fine. You have a renewal, but here are a couple more communities which want to get gas; put them on your system"?

**Mr. Clendining:** No. The test for extending into such communities would be the economic feasibility criterion. If it were economic, the company serving the adjacent municipality presumably would say right away—there might be some question—or it logically would make franchise agreement with that additional municipality and take it to the board for approval.

**Mr. MacDonald:** The logic is that you leave the franchise holder or the gas company service areas that are most profitable. If there happens to be an area that is less profitable, it can wither on the vine, or be ignored.

**Mr. Gaunt:** That is right.

**Ms. Gigantes:** That is par for the CRTC.

**Mr. Clendining:** If the profit is inadequate in going into a new or more remote community, then the company would not seek a franchise in that area because it would not make an adequate rate of return. The outcome of doing that, if they did pursue it and the uneconomic extension were approved, would be that other customers would have to pay part of the cost of that subsidy. They would have to chip in on the total cost of an uneconomic investment. One of the roles of the board is

not necessarily to make sure uneconomic investments do not happen, but, if they do happen, not to allow them to be claimed. I do not think profitability is a factor but, in another sense, economic feasibility is.

**Mr. MacDonald:** When a renewal was sought for an extension of a franchise in that area, were areas like Wingham and Lucknow which wanted gas in a position to intervene and say: "Fine, but we want to get on to that system. It's the nearest one to us and we, like everybody else, are entitled to this source of energy"? Or is a community out forever unless some company deems it in the interest of its ledgers to extend the system?

**Mr. Rowan:** Mr. Chairman, if I may interject here, the first evening when we were discussing the conventional energy program, a presentation was made at that time with regard to the natural gas distribution system in Ontario and with regard to the areas in Ontario which are not now served by natural gas utilities. We did identify a very large number of communities that could be served if some form of incentive natural gas program were put in place.

7:40 p.m.

[We also described the program announced in November 1978, but not yet implemented, by the government of Alberta. At that time the government of Alberta said that they were prepared to provide gas at a lower price for all additional volumes that could be sold in the consuming provinces. The difference between the lower price and the current 85 per cent index would be retained by the Alberta Petroleum Marketing Commission and would be made available to the natural gas utilities in the consuming provinces as a capital subsidy, to allow those utilities to extend their distribution system into parts of Ontario—in fact, into Bruce and Grey counties—which is not now economically feasible. The reason it is not feasible is that those communities have relatively few customers and the unit cost of providing service to them would be too high.]

As Mr. Clendining has indicated, if one pursued a policy of providing gas to every resident of Ontario, it would mean the present customers would have to pay higher rates. That is not the principle under which the Ontario Energy Board operates when it applies the economic feasibility test to applications that are made by the natural gas distributors for an extension of service.

The minister that evening did indicate, I believe, that the Alberta incentive program is unfortunately in abeyance until the Alberta



government and the federal government come to some agreement on crude oil pricing. That was an initiative, if you want to call it that, of the Alberta government. It is unfortunate, because we believe that around 75 to 150 billion cubic feet of additional gas can be sold in Ontario to approximately 164 communities that do not now receive natural gas but do require some capital assistance to make those extensions to the present distribution system.

**Hon. Mr. Welch:** Do I recall that Lucknow and Wingham are two of those 164?

**Mr. Rowan:** They are in that area.

**Ms. Gigantes:** It seems to me the deputy minister answered the question backwards. What he is saying is that, if there is an application by a gas company to extend a franchise, the Ontario Energy Board, will apply what it considers to be an economic feasibility test to it. The question that Mr. Gaunt asked was directly opposite to that. It related to whether the Ontario Energy Board would demand a company to produce cause why it was not economically feasible to extend service to an area. Does the board do that in consideration of an application?

For example, if I am running a gas distribution company and servicing community X, and I go to the board to continue that franchise, does the board look at the situation and see community Y nearby which perhaps should be serviced? Does it require that the company produce figures about the cost of servicing Y, or does it simply accept at face value my estimate, which may be based very much on my view of where my biggest profit lies rather than on what service can be provided in an economically feasible way to a new service area?

**Mr. Clendining:** You have asked a number of questions.

**Ms. Gigantes:** It is essentially one question. Does the board make a requirement when it sees an area that is close to a franchise area that a distribution company show cause why that service is not economically feasible if the company is making that claim?

**Mr. Clendining:** No, it does not. However, Mr. MacDonald asked a question a few moments ago about the ability of a community to intervene and have its wants known to the board. There has been no such situation—

**Ms. Gigantes:** How can a community intervene when it does not have access to the internal distribution cost figures?

**Mr. Clendining:** I was thinking in terms of an extension of a transmission line from

an existing system out to community A. There may be communities B, C and D along the line. This is hypothetical, because it doesn't actually happen, but I am trying to answer what I think was Mr. MacDonald's question.

In the event the company applies to make an extension out to A, where they now have a franchise and agreement, it is quite in order for the communities which are not planned in the proposal to be connected to intervene at the board and say essentially what you are saying, Ms. Gigantes, "Why not us?"

While the board reacts to applications, it does not take an entirely passive role, and through staff it does bring out matters that might not be brought out by the applicant or by the company itself. This obviously would be an area that we would look into, but it has not happened.

**Mr. Gaunt:** So Lucknow and Wingham could intervene with the board, but only if there were an application for an extension to some other community. Can they simply come in, even though there is no application for extension by any of the neighbouring companies, to say to the board, "Look, we want the service and we want you to consider this when you get your next application?" Can they do that?

**Mr. Clendining:** Yes, of course, they can come to the board and ask for whatever assistance we can give them. Logically, I would assume, they could go to the distributor as well to get their reaction, because undoubtedly the company would. In fact, if they came and asked us, we would have to look at it from a feasibility point of view. It has never happened. Normally the process is the other way around, because the company is so anxious to increase its service. I suppose you could say it is revenue, but none the less extended system, sales, or anything that is remotely economic, in the normal course of events is attached or application is made to the board to attach it.

**Hon. Mr. Welch:** Another way to summarize, if I may: The questions that appear to be asked are: If, in the negotiation of a franchise between a county and a distributor the county wanted to impose on the distributor that a condition for them either giving them the franchise in the first place or renewing the franchise was that they had to service certain areas within the county; is that the sort of thing you might be called upon to arbitrate at the board? Do you arbitrate there couldn't be some agreement with respect to that as between the county—or whatever the municipal unit is—and the company? Which



I guess is another way of asking the same thing.

**Mr. Clendining:** Yes, I believe that would be the type of thing that the board would—

**Mr. Gigantes:** Could that discussion be opened up at any time during the life of the franchise, or do you get a whack at the can once every 25 years?

**Mr. Clendining:** That is the way it is at the moment. That is not to say that some party couldn't raise the issue, but normally it would not become an issue except when the franchise was up for renewal.

**Ms. Gigantes:** Can we wait 25 years?

**Mr. Gaunt:** I think half of us will be gone by that time.

**Hon. Mr. Welch:** I have more confidence. Of course, if you have it your way, it will be settled on Thursday.

**Mr. Gaunt:** We like to get speedy action. We like to see movement, progress.

**Mr. Clendining:** I was interested in the comments Mr. Rowan was making about the study the Ministry of Energy had done in looking into some of these areas which are not now connected and which, using varying criteria, could be connected. I thought it was quite interesting, and it is a move in the direction you are concerned about.

Within the board's purview, this is not the sort of thing we are currently doing.

**Mr. Gaunt:** I see two problems. First of all, I don't think the neighbouring franchise has been extended or an application made to extend it simply because it would be serving communities of populations in the neighbourhood of 1,500 to 3,000. I presume the companies see that as being uneconomical. There's no profit motive in serving small communities of that size.

5:50 p.m.

The other problem with respect to Wingham and Lucknow is that the neighbouring franchise and the capped well, to which I made reference, are owned by different companies; so we are into another problem there, as I see it. Union Gas has the neighbouring franchise, in that it comes to within about 10 miles, I guess of Wingham. Dome Petroleum owns the capped well, which is about 15 miles from Wingham. I presume, based on what we have been talking about here, the neighbouring franchise would have no opportunity to, and it certainly wouldn't want to, extend its franchise to Wingham, a distance of some 40 miles, given the size of the communities involved.

On the other hand, Dome, which I believe has headquarters in Calgary, says, "Well, to service two small communities simply isn't economical."

**Mr. Clendining:** You realize, I am sure, that Dome is quite free to sell the gas from that well to Union or any other distributor; or vice versa, Union is quite at liberty to buy the gas from Dome if it is part of a supply that would assist it in serving the area. The fact they are two separate companies, as you point out, doesn't mean they can't work an arrangement.

**Mr. Gaunt:** I am seeking advice: Should the approach be to Union to approach Dome to see if that service could be provided?

**Mr. Clendining:** The approach logically would be to Union, because they surround the area. Perhaps Union could justify and make it feasible economically by incorporating or bringing in the gas supplies from the Dome well or other local sources. If I were in the position you are describing, I would go to Union and make a very firm case as to needs, point out the alternatives and see what their answers were. Perhaps you have done that; I don't know.

**Mr. Gaunt:** Or perhaps get Darcy to drill a well next to Dome.

**Hon. Mr. Welch:** There is always another option.

**Mr. Gaunt:** I am mindful of the time, Mr. Chairman. I have two more questions related to the Ontario Energy Corporation. The government announced it would be subdividing the corporation, as I understand it. Could the minister, or someone within the energy corporation, be specific as to the areas of—

**Hon. Mr. Welch:** If we could finish with the Ontario Energy Board vote, we could go to the Ontario Energy Corporation and then to Ontario Hydro. Is that what you wanted?

**Mr. Gaunt:** Oh, I'm sorry. Okay.

**Ms. Gigantes:** When we last sat, I raised a number of points of concern at the end of the evening concerning the philosophy of pricing that was used by the Ontario Energy Board related to both gas and electricity. It may not be appropriate to ask the minister to respond to that subject now, but I would appreciate a response at some point because I think it is an important matter which we should be dealing with.

**Hon. Mr. Welch:** Yes.

**Mr. Chairman:** Have you all finished on this?

**Ms. Gigantes:** As far as the Ontario Energy Board is concerned. But isn't the Ontario Energy Corporation under the same vote?

**Hon. Mr. Welch:** There isn't a separate vote for it, but our understanding was it would be done next.

Item 1 agreed to.

**Ms. Gigantes:** Mr. Chairman, when are we going to deal with the Ontario Energy Corporation?

**Mr. Chairman:** When we finish this.

**Ms. Gigantes:** Okay, fine.

Item 2 agreed to.

Vote 2005 agreed to.

**Mr. Chairman:** Now, the Ontario Energy Corporation and Ontario Hydro.

**Hon. Mr. Welch:** Mr. Chairman, the members here have asked questions in connection with the new organizational structure. As you know, in the throne speech debate we talked about the establishment of subsidiaries for the corporation dealing with certain areas, and this may be the appropriate time to ask the president of the Ontario Energy Corporation to give you a progress report on that, if Mr. Rowan could put on his other hat for a moment and speak to that particular point.

**Ms. Gigantes:** Could I ask a question, before the next comments, Mr. Chairman? During the preparatory meeting that we had for these estimates, I asked for accounts for the Ontario Energy Corporation for the past year and the intended accounts for this fiscal year. I was assured by the deputy minister then that those accounts would be ready in time for these estimates and that we would receive them.

**Mr. Rowan:** My understanding is that they will be tabled within the next day or so. They are ready; it is just a matter of tabling. The accounts are in the annual report, and it will be tabled in the Legislature within the next day or so.

**Ms. Gigantes:** Mr. Chairman, I would like to express my displeasure, as I gave notice that I considered it important for us to have those accounts before we had an estimates discussion. We have no other account in these estimates for which we have expenditures for fiscal 1979-80, but we have some very gross kinds of figures provided for projected expenditures for the current fiscal year.

I had very much hoped that we would have these accounts for our discussion in the estimates, and I was assured on two occasions that we would, once during our preparatory meeting and again in correspondence I received from the Ministry of Energy fol-

lowing that preparatory meeting, in which I was told the report of the OEC would be ready for estimates discussion.

I don't understand, especially considering their estimates have been dragged out in terms of time by other obligations of this committee, why we don't have those estimates now.

**Mr. Rowan:** We have some preliminary figures if you would like to discuss those. I, like you, regret that the accounts are unavailable, but they will be available shortly.

**Ms. Gigantes:** Mr. Chairman, would it be totally out of order to suggest that we leave these accounts and pick up the estimates that deal with the Ontario Energy Corporation once we have the figures to which the deputy refers?

**Mr. Chairman:** Again, I would have to ask the minister.

**Mr. Rowan:** I would be delighted to discuss with you the preliminary figures. You must keep in mind that accounts of this nature require chartered accountant's authorization before they are final, and the fact that they are not here today is a matter beyond our control.

**Ms. Gigantes:** There, Mr. Chairman, you are speaking of accounts passed, but we have nothing provided in terms of the current fiscal year. We have a statement by the minister dated March 13, 1980, in the Legislature in which he indicates expenditures of "some \$40 million within the next year or so" being possible. We have nothing to—

**Hon. Mr. Welch:** May I interrupt the honourable member for a moment in an attempt to be helpful? Number one, quite technically, we are not asking for any money for the Ontario Energy Corporation. There is no money in these estimates for the Ontario Energy Corporation.

**Ms. Gigantes:** Correct.

**Hon. Mr. Welch:** That, in itself, let me be quick to say, doesn't preclude some discussions. That is our understanding. Similarly for Hydro.

Keep in mind that, if the honourable member wishes, there will be an annual report of the Ontario Energy Corporation which could be referred to this particular committee. If you wanted to discuss the Ontario Energy Corporation in some detail for weeks, the vehicle is provided for by the rules. You would have the annual report of the Ontario Energy Corporation. You could have the Ontario Energy Corporation here and go over that annual report in some detail. So it is not as if there aren't vehicles by which ther-

could be careful examination of the activities of the Ontario Energy Corporation. 8 p.m.

The point we are trying to make now is that within the purview of these estimates there will be some time to talk about general objectives and perhaps some general figures, as long as you realize we are not talking from an audited statement yet, because we don't have it. Keep in mind that there will be a report and you will have that opportunity for that report to be referred here and to be discussed in some detail.

**Ms. Gigantes:** Mr. Chairman, I appreciate the suggestion. It seems quite a reasonable one to me. I don't know how my Liberal colleagues will feel about it, but it makes more sense to me that we should be dealing with an actual report.

Secondly, it seems to me that when you make a statement on March 13 indicating that the corporation which, while it doesn't have to report through these estimate considerations, obviously does have to report at some time to the public of Ontario about moneys which are held in the name of the public of Ontario, about the proposition that some \$40 million may be spent within the next year or so, it seems to me that we should have some accounting for how that money is to be spent. I would, therefore, as long as we can include that kind of discussion in a later consideration of the report of the Ontario Energy Corporation and as long as it is suitable to my Liberal colleagues—

**Hon. Mr. Welch:** The only thing is, you realize, of course, I can't bind the committee to what it may or may not want to discuss. We are quite prepared to discuss general programs with respect to the Ontario Energy Corporation. We don't need the accounts for that purpose. That is why we felt you would want to discuss the work of the Ontario Energy Corporation.

We welcome the questions. We will give you some answers if you like, but the point I am getting at is, if it is simply a detailed examination of accounts, this Legislature does have a standing committee on public accounts. This corporation is subject to the scrutiny of the provincial auditor. There would be a report on this, as there would be on all crown corporations. You have an opportunity to go through accounts as accounts are concerned, but if you want to talk about the program and policy initiatives of the corporation, let's talk about them right now.

**Ms. Gigantes:** I don't really want to talk about the program and the policy initiatives.

I want to talk about where this some \$40 million may be spent within the next year or so.

**Hon. Mr. Welch:** Simply ask the question, and we will give you an answer.

**Ms. Gigantes:** Mr. Chairman, I would like to point out to the minister that one needs to have some kind of perspective about the recent operations of the Ontario Energy Corporation if we are going to discuss new programs with any sense of perspective. So, I would be quite happy to leave this discussion until we can get adequate information. I can't see any point in going ahead with it now.

**Hon. Mr. Welch:** I want to be quite clear that this can't be confused with the consideration of the estimates. The Legislature has set aside 15 hours for the consideration of the estimates of the Ministry of Energy, plus a two-and-a-half-hour concurrence debate, if it is required.

I don't want there to be any misunderstanding. The procedure to which I was making reference is quite independent and separate from estimates.

**Mr. Gaunt:** Mr. Chairman, may I make a suggestion? I am wondering if we could, for a brief time tonight, discuss matters of policy related to the Ontario Energy Corporation, then set aside another committee meeting, after we have the report, during which we can go over the accounts and tie in the discussion on policy and related matters tonight with what we have presented to us in the report. I am wondering if that would be acceptable.

**Ms. Gigantes:** Mr. Gaunt, I would accept that if we had time enough to indulge, without the accounting background that I feel is necessary, in a discussion of what the plans for the energy corporation are. However, since we have two and a half hours less five minutes at this stage left in our estimates, it seems to me we would be better off to leave the whole matter and come back to it when we are informed properly.

**Mr. Rowan:** Mr. Chairman, if I may, since it is the annual report of the corporation which Ms. Gigantes is looking for, I should point out to her that the kind of information she is seeking will not be in the annual report. As the minister has just said, the program of the energy corporation in a forward period is not reflected in an annual report. What the annual report does is look at the past year, so that—

**Ms. Gigantes:** Usually, annual reports contain a discussion of your plans for the future.



**Mr. Rowan:** But not in the kind of detail that you have indicated, Ms. Gigantes.

As the minister said, if you wish to discuss the various areas where the \$40 million which was identified in the minister's statement—

**Ms. Gigantes:** Some \$40 million.

**Mr. Rowan:** —is expected to be spent, we would be very delighted to discuss it this evening.

**Ms. Gigantes:** Mr. Chairman, I can make no sense of this. We have on the one hand the proposition that the Ontario Energy Corporation does not report to this committee, which I accept. It does not have to at all. It is a question of where it is best to deal with it. On the other hand, we have the proposition that the future plans of the energy corporation should be discussed before this committee.

I think we would be wise to seek a method for having both discussed before one body, which could give due consideration to both. They are related.

**Mr. Chairman:** The allocation of 15 hours is made and the problem is that I have to report these estimates to the House.

**Ms. Gigantes:** You have no estimates for the Ontario Energy Corporation before you?

**Mr. Chairman:** No, but on the other hand, I thought this was agreed on.

**Ms. Gigantes:** I am not willing, Mr. Chairman, to approve future plans of the energy corporation when we do not have past accounts. So I think we should seek another method. Perhaps we will have to have a discussion with the House leaders as to the best method of seeking to have a discussion both backward and forward. I am quite happy to leave it at that.

**Hon. Mr. Welch:** As long as that does not preclude this committee from completing the consideration of the estimates of the Ministry of Energy. Whatever is decided to be done will be in the hands of the House and the committee.

**Ms. Gigantes:** That is right.

**Mr. Gaunt:** The report, Mr. Chairman, can come to this committee on petition of the House, after the annual report.

**Hon. Mr. Welch:** That is exactly the point.

Are there any others who want to ask any questions on the Ontario Energy Corporation? I wish you would ask a question on the energy corporation.

**Ms. Gigantes:** Mr. Chairman, I move for discussion of Ontario Hydro.

**Mr. Eaton:** We are starting on Ontario Hydro, so that motion is carried.

**Mr. Chairman,** I would like to start our discussion on Ontario Hydro. First of all, I would like to compliment the minister on the statement of the Premier (Mr. Davis) the other day that we are going to do some equalization of rates in rural Ontario. It is something we have been after for some time.

I always figured we could look on paying a little bit extra in rural Ontario because it probably costs more to service our area. It costs more to put the lines out there, and I always thought that the cost of servicing those lines was included in the higher rate we paid. But I had something rather disturbing come to me the other day, and I want to go over that with the committee. I hope you can take Ontario Hydro to task for it—that is all I am asking—and try to straighten out some of their activities.

I refer to a simple situation. We put up with a lot of hydro lines and poles on our rural properties, and one of my constituents had the occasion to bang a piece of equipment into one of the hydro lines on his property. It was not one of the great big towers but a simple wooden structure. He hit it with his tractor. He did not break the post off or do any particular damage to it except that the wires swung together and they blew a fuse out on the road in the transformer.

I want to tell you about the bill that farmer got for that fuse. Two men came to fix it, taking 2.3 hours each as the time for replacing the fuse. It was after hours that they came, so there was a premium on it and they got double time. That time, at \$10.67 an hour for each of the men, came to a total of \$120.25. Added on to that, they got what they call a payroll and SAVH—sickness, accident, vacation, holidays—burden on working time, that is, 45 per cent of the cost of the labour, which amounted to another \$49. On top of that, they had what you call specific overhead. That is 50 per cent of the labour, and that came to another \$60.13.

8:10 p.m.

**Mr. MacDonald:** I bet the workers did not get it.

**Mr. Eaton:** A little further down, they have what they call time for the service truck. These two men were driving. They only charged \$4.20 for the service truck. That is not too expensive per hour, compared to the \$10.67 doubled. They only charged \$9.66. But the truck had an attachment, and they charged for 2.3 hours of the attachment.

must have been a cheap attachment. It was only \$1.70 an hour. They got another \$13.57 in for the truck and equipment.

Then there is another figure called general overhead. They took another 15 per cent of all these costs—\$31.29 more.

**Hon. Mr. Welch:** He is the guy in charge of it all.

**Mr. Eaton:** The cost of repairs that they billed the farmer for putting in the fuse was \$226.86.

I left one item out of that bill. Do you know what that was? The damned fuse that was replaced. Do you know what the fuse was worth? One dollar and 62 cents. A \$1.62 fuse, and they billed the farmer for \$226.86 to replace it.

**Mr. MacDonald:** No wonder farmers cannot make any money.

**Mr. Eaton:** I would say so. I wish we could charge for our produce in the same proportion.

Take a look at some of the things they have charged in there to replace a simple fuse. I would submit that if anybody was at fault it was Ontario Hydro, for having the lines so loose that, when you nudged the post and jarred it, they swung together and caused the fuse to blow. I know if my lines ever touch in the yards it is because the lines are too loose and they are sagging down so they touch.

It is a small thing, I suppose, out of the millions that we spend on Ontario Hydro. We sit here in our committee and talk about the millions of dollars spent on boilers and things like that. It is unbelievable to me that they could come along and do this. A farmer, who had to put up with the damned poles on his property to start with, nudges a pole with his tractor, and ends up paying a bill of \$226.86 to replace a fuse that cost \$1.62.

If that is the way Ontario Hydro carries on business—it charges \$226 to replace a fuse—there is something absolutely wrong with the way Hydro is being run. There is something wrong with the fact that we have been paying higher rates for that extra service in rural Ontario.

Here is the statement from Ontario Hydro. It is unbelievable. Maybe you would like to say something about it.

**Hon. Mr. Welch:** Before Mr. Eaton gets an answer to his question, perhaps I could take this opportunity to introduce Mr. Macaulay, the chairman of Ontario Hydro, who has joined us at the front desk. In responding, Mr. Macaulay, you might introduce other senior executives of Ontario Hydro so that every-

body knows everybody. I would be grateful if you could provide Mr. Eaton with some explanation.

**Mr. Macaulay:** So would I.

Mr. Minister and Mr. Chairman, I think you have met these gentlemen before. Doug Gordon, the president, is on the right of the impressive-looking trio of Hydro executives. Pat Campbell is executive vice-president of operations, and he is primarily responsible for a variety of activities, not the least of which is that which Mr. Eaton has just referred to. I am looking forward to Mr. Campbell's answer to Mr. Eaton's question.

Arvo Niitenberg, vice-president, power system program, has considerable responsibilities on the planning and administration side of the organization and he is here tonight in place of Milan Nastich, who is travelling and is not able to be with us. He is the president-elect, as I think many people will know, who will succeed Doug Gordon when Mr. Gordon retires at the end of October.

Mr. Chairman, if you would care to have Mr. Campbell respond to Mr. Eaton, I'm sure he would be happy to do so.

**Mr. Chairman:** I'm sure Mr. Eaton would like to hear a response.

**Mr. Campbell:** I don't think I can give Mr. Eaton a very good response, other than to say I will take the situation he has described and I will look into it and give him a proper answer. But I can't answer it off the top of my head.

**Mr. W. Newman:** Can you promise a rebate?

**Mr. Campbell:** I didn't promise that. I am aware of some of the things he stated there are in accord with our method for billing, but I would have to know the circumstances before I could comment intelligently on his question.

**Mr. Eaton:** I can't believe that to put a 15-amp S and C Electric Canada Limited fuse back in, which cost \$1.62, an individual farmer is getting billed \$226.86. It's just astounding.

**Mr. J. Johnson:** He should pay \$1.62.

**Mr. Eaton:** He probably should. We've always been told in rural Ontario that we're paying extra for servicing of rural areas, because of the distances and so on. I find that kind of situation just unbelievable.

**Mr. Campbell:** Mr. Eaton, would you give me that information, and I'll be sure you get an answer?

**Mr. Eaton:** I certainly will.

**Mr. Campbell:** I'll investigate and make sure you get an answer to that question.

**Ms. Gigantes:** Mr. Chairman, there are four areas on which I would like to have a lengthy discussion with the Hydro representatives, but I'm obviously going to have to try to limit discussion.

First of all, I would like to ask, because I think we can nail it down very quickly, whether it's true to expect that, given the current load forecast reaching forward for several decades, we will have 50 per cent more uranium under the current contracts with Rio Algom Limited and Denison Mines Limited than we will be using, and we will likely have to pay more than world price for that uranium.

**Mr. Campbell:** In the earlier years of the contract we have with Denison and with Preston Mines Limited we will have an undersupply of about six million pounds up to 1994.

**Ms. Gigantes:** A lot less than you figured on?

**Mr. Campbell:** Yes. From 1994 to roughly 2005, we will have an oversupply of uranium equivalent to about 17 million pounds.

**Ms. Gigantes:** Over the length of the contract, would it be accurate to say we would have about 50 per cent too much uranium supply for current forecast needs?

**Mr. Macaulay:** Through to the conclusion of the contract?

**Ms. Gigantes:** Correct.

**Mr. Campbell:** I can't express it that way, other than to tell you we will apparently have an oversupply of 17 million pounds during the period from 1994 to about 2005.

**Mr. Wildman:** Is that the total?

**Mr. Campbell:** That's the oversupply.

**Ms. Gigantes:** To 2005?

**Mr. Campbell:** About 2005.

**Ms. Gigantes:** And your contracts run until 2020, as I recollect.

**Mr. Macaulay:** Mr. Chairman, Mr. Al Holt of Ontario Hydro, the distinguished, prematurely grey gentleman sitting in the audience over there, is responsible for administration of a number of activities in this area. Mr. Campbell has brought Mr. Holt along with him to assist him in responding to matters of this nature. If you deem it appropriate, perhaps Mr. Campbell could confer with Mr. Holt.

**Hon. Mr. Welch:** Perhaps Mr. Holt could come and join us here.

8:20 p.m.

**Mr. Holt:** If I could take up the question, the Denison contract takes a large increase in quantity in 1994. Up to 1994 Denison supplies two million pounds a year of concentrate, and in 1994 that rises to six million pounds. Preston, at the same time, is supplying two million pounds a year through this period. Up to 1994 we have an undersupply. We will probably be buying uranium through the late 1980s and early 1990s.

**Ms. Gigantes:** Less of an undersupply than you expected when you signed the contracts.

**Mr. Holt:** Yes, that's right.

**Mr. Macaulay:** These over and under references, if I understand correctly, have to do with committed programs.

**Mr. Holt:** Yes.

**Mr. Macaulay:** They do not make reference to the requirements beyond current commitments.

**Mr. Holt:** For the period up to 1994. We don't have any nuclear plants after Darlington. In other words, we cannot supply Darlington —

**Mr. Macaulay:** Nothing is committed beyond Darlington.

**Mr. Holt:** After 1994 we're assuming that some nuclear generation is added to pick up the load forecast, whatever is required to meet the new load forecast.

In 1994 there will be an oversupply around the figure you mentioned, Ms. Gigantes, of 50 per cent of the contract quantity. The requirement continues to rise until about 2005. The contracts then come in balance again with the requirements, assuming that some nuclear plants are built after Darlington to meet load growth as projected beyond the year 2000.

About the year 2005, we're in balance again. Supply from Denison and Preston meets the projected requirements of the system. Beyond 2005 we would again be in the market for uranium, assuming a nuclear program is continuing.

We have a period between 1994 and 2005 when we have 50 per cent oversupply, starting in 1994, working gradually to zero by 2005. The total amount of uranium in that period is about 16 million or 17 million pounds.

**Ms. Gigantes:** Once the contracts become effective in meeting the demand that Ontario Hydro will have, it becomes 50 per cent too effective.

**Mr. Holt:** In one year. They became 50 per cent too effective in one year—which is 1994. They don't get any larger after that. That is the peak supply, under the contract.



They continue at that level until 2011, when Denison terminates and we have only Preston continuing. We have a one-year situation of 50 per cent oversupply.

**Ms. Gigantes:** Have you made projections on the price you will be paying?

**Mr. Holt:** The contracts are priced on a fairly complicated formula between the costs at Elliot Lake and a negotiated price which has some relation to a world price. We don't profess to be experts in forecasting the world price of uranium; there are a lot of those people around, and probably they will all be wrong.

Generally speaking, the world price forecasts have declined from previous forecasts. If they decline enough, they could decline below the base prices for Denison. I don't think we have any special knowledge that tells us what the world price is going to be. That's a supply-demand situation.

I would have to agree that through the 1980s the Elliot Lake prices are certainly not going to be very much below world price, and they could be at, or marginally above, world price. What happens in the 1990s, when we have an oversupply situation, will depend on what happens to the nuclear industry throughout the world, I would expect, and the supply-demand situation for uranium.

**Ms. Gigantes:** That answers my question, Mr. Chairman. I would like to move to a brief discussion of a report that we received on Hydro power resources, and make reference to a summary of undeveloped water power resources in the province which was revised last in 1977. I don't know if the minister or the deputy minister has available the document to which I am referring. It's table four, sheet one, revised January 1977. The estimate that is made of the hydro potential in heads of over 20 feet is equivalent, in my understanding, to 3,000 BHP, and I have forgotten what that means.

**Mr. Gaunt:** Eight thousand megawatts.

**Ms. Gigantes:** I have forgotten what BHP stands for. Somebody will remind me.

**Mr. Gordon:** Brake horsepower.

**Ms. Gigantes:** Brake horsepower, which is equivalent to about 8,000 megawatts, give or take a couple of hundred megawatts?

**Mr. Campbell:** What was the first figure?

**Ms. Gigantes:** Three thousand BHP.

**Mr. Campbell:** It wouldn't be equivalent to 8,000 megawatts.

**Ms. Gigantes:** I am sorry, I am making reference to the wrong one. I have a revised,

October 1978 figure which has an estimate of undeveloped water power resources that totals 11 million BHP. That is the one that would be equivalent to about 8,000?

**Mr. Campbell:** Approximately 8,000, yes.

**Ms. Gigantes:** I would like to know why it is Hydro is proposing to develop only 2,000 megawatts of hydro power. Why was it we were told for years that hydro potential in the province was something we could dismiss in economic terms; why is it the 2,000 megawatts that Hydro proposes to develop is going to take 10 to 15 years to develop, and what has been happening to the funding for the water resources program within Ontario Hydro?

**Mr. Macaulay:** Mr. Chairman, if we may we might ask Mr. Niitenberg to respond to that question since the planning of hydraulic resources comes within his area of responsibility.

**Mr. Niitenberg:** Thank you. I don't have the reference document, but I can give an overview of what the hydraulic program is right now and where it is heading.

We have on the go an orderly steady program to investigate potential hydraulic sites and feasibility studies for development of the 17 sites that were mentioned with a peak capacity of some 2,000 megawatts.

**Mr. Macaulay:** Excuse me, could I interrupt? Would you just explain the difference between installed capacity and the total numbers that are sometimes referred to because there may be some misunderstanding on that point?

**Mr. Niitenberg:** The 2,000-megawatt peak capacity refers to the maximum production that the plant could have. This means adequate water available. The average flow of the river throughout the season is considerably lower, so although you have production capability of 2,000 megawatts in those 17 sites, the amount of production you can get out of it is about 550 megawatts average because during the summer period the water flows drop.

**Mr. Macaulay:** When you say maximum production you are talking about seven days a week, 24 hours a day, full capacity?

**Mr. Niitenberg:** Yes, that is the energy production if you look at it over a year. Particularly with these sites that are still undeveloped, one has to look at two things—the maximum production capacity and the average production capacity throughout the year. Average production capacity is considerably lower, so that, for instance, the 10,000- or 8,000-megawatt capability that you referred

to would produce energy equal to about 3,000 average megawatts throughout the year. We have listed some 40 sites that would fit into this category.

We started to look at the 17 sites which appear to have the best economic and technical potential for development. These sites are an integral part of Hydro's uncommitted generation program. This is the next increment of generation to be added once plans have been completed on the present plants. 8:30 p.m.

When the load forecast dropped in 1979 and 1980 the need for additional new capacity, whether it be coal or nuclear or hydraulic, was shifted more into the future. We took a look at all our programs and adjusted the work on all future capacity. That included hydraulic.

Under the old schedule that we had, the first additional hydraulic station could come into service in 1986. This was at a time, with a lower load forecast and our existing program, we did not need additional capacity. So we shifted the program so that the potential in-service dates for the hydraulics shifted to the early 1990s. Therefore, the whole hydraulic study program was spread over a larger number of years and those sites were eliminated from the hydraulic program.

Expenditures were mentioned. The actual expenditures for hydraulic investigation in 1979 were \$2.3 million. We have already done some feasibility studies on 15 out of the 17 sites. That program for 1980 on new hydraulic sites was placed at \$1.8 million with four sites going ahead at full program rate. These are Little Jackfish, Nine Mile Rapids, Grand Rapids and Patten Post. These four sites represent about 700 megawatts. These are the ones we are going to investigate during 1980.

**Ms. Gigantes:** Is that potential or is that average?

**Mr. Niitenberg:** That is potential.

**Ms. Gigantes:** What would the average be?

**Mr. Niitenberg:** The average of these three would be about 300 megawatts. They appear to be in the top 10 of the list of potential sites.

**Mr. Gaunt:** The top 10 of the 17?

**Mr. Niitenberg:** Yes, as having the best economic and technical feasibility attached to it.

In addition, we are also doing work on mini-hydraulic projects in a number of joint programs with the federal and provincial governments. One phase of our hydraulic program which has not been maybe as high

profile as the 17 hydraulic sites, the new sites, is our upgrading of our existing hydraulic. We have had a very active program in getting more energy from the same water flowing through our existing plants.

**Ms. Gigantes:** Could I take you back just a moment? When you speak of the federal-provincial mini-hydraulic program, is that included within the \$58-million renewable conservation agreement?

**Mr. Niitenberg:** No, I can't say what they—

**Ms. Gigantes:** Is there federal funding available for the mini-hydraulic program?

**Mr. Niitenberg:** No, we are doing two specific joint programs. They are in connection with Sultan River and Deer Lake and they would not be included in that package.

**Mr. Wildman:** Before you go on, I would like to ask about the four you mentioned as potential new sites on which you are going ahead with development. Can you give me some update as to the present status of Patten Post on the Mississagi River and what effect the development of Patten Post would have on the overall production of the site you already have on the Mississagi?

**Mr. Niitenberg:** This is part of the feasibility program that is being looked at for Patten Post right now. These reports will be available within the year.

**Mr. Wildman:** Could you give me some kind of indication as of the present status of the work being done in that area, where you are at, and if you decide to go ahead with the development of Patten Post what kind of time frame you are looking at?

**Mr. Niitenberg:** This project is being handled for us by a consultant with some input from our in-house hydraulic group. It is right now in the feasibility phase. When the feasibility report is available, we are somewhere between six to eight years away from being able to design and build it.

**Mr. Macaulay:** Allowing for environmental assessment.

**Mr. Niitenberg:** Environmental assessment, figuring that for about two years.

**Mr. Campbell:** But we are spending \$180,000 this year on Patten Post.

**Mr. Wildman:** During the drilling and—

**Mr. Campbell:** Yes.

**Mr. Wildman:** Can you tell me if, in your studies with the consulting firm and so on, in terms of determining economic feasibility, you are counting in that the

cost to Hydro of rebuilding an alternative route for Highway 129?

**Mr. Campbell:** Yes. The rebuilding of part of that highway would be included in the cost of the project.

**Mr. Wildman:** And is it up to the Ministry of Transportation and Communications to determine what route will be chosen and then you just pay for it, or what is your role in that?

**Mr. Campbell:** MTC will relocate the road, but we will pay the cost of it.

**Mr. Wildman:** Okay, so you are looking at six to eight years; is that what you are saying to me?

**Mr. Niitenberg:** This would be the minimum. The timing of it would have to be decided by the Hydro board once the feasibility study is completed.

**Mr. Wildman:** Depending on the demand for electric generation?

**Mr. Niitenberg:** Yes.

**Mr. Wildman:** Fine. Thank you very much.

**Mr. Gaunt:** I have a supplementary, Mr. Chairman, if I may. There was some suggestion by Mr. Near—and you referred to the decision to cut back on the hydraulic program in concert with the cutback in the nuclear program, based on your load forecasting and so on—I believe at a meeting in Peterborough, who made the comment that the decision not to proceed with the active orderly development of the hydraulic or water power was political rather than practical. What did he mean by that?

**Mr. Niitenberg:** First of all I don't think we have stopped an orderly development of hydraulic power. I think it is very orderly, it is proceeding, and I think the impact on the new sites has been that the development has been spread over a longer number of years so that we can make full utilization of the staff we have, minimize the cost of the program, and we don't have to add extra staffing in that particular area.

The overall program from 1980 for hydraulic, if you include upgrading, which gives an immediate payout, was larger than for 1979. For instance, in 1980 we have budgeted \$5.7 million to upgrade existing hydraulic plants; that will give us 40 megawatts immediately in 1980 and there is a potential for another 80 in the next few years. This compares with an investment of \$4.2 million in 1979 in the same area.

So when you take both the new site investigation, which was pushed more in the future as our load forecast dropped, and our

improvement in terms of existing hydraulic, which is much more effective in the short term, we are investing about \$1 million more on the hydraulic side in 1980 as compared to 1979.

**Mr. Gaunt:** That is somewhat confusing to me. Are we talking about the actual money spent in either construction or upgrading, as opposed to the hydraulic budget within Hydro? I understood the hydraulic budget, as a division of Ontario Hydro, was cut from \$2.4 million to \$1.2.

**Mr. Macaulay:** I believe \$2.3 million to \$1.8 million were the relevant numbers, weren't they?

**Mr. Niitenberg:** Yes, \$2.3 million to \$1.8 million, but only one phase, and that is looking at the future sites whose requirements now had shifted a few more years into the future because of the lower load forecast. But hydraulic work in Hydro goes on in many areas, and what Frank Near's comments referred to was investigation of the future sites and the future sites only.

**Ms. Gigantes:** Following up what Mr. Gaunt asked, the \$5.7 million projected to be spent in 1980 for upgrading sites, is that research investment or is that construction investment?

8:40 p.m.

**Mr. Niitenberg:** That is construction investment. That program almost entirely consists of replacing turbine runners with more efficient runners, so that you would take the same flow but get more energy and more peaking capacity, and it would involve some plants on the Niagara River, the Ottawa River and the English River.

**Mr. G. I. Miller:** Would that be all Ontario or Canadian products that are utilized?

**Mr. Niitenberg:** Most of them would be Canadian. I was under the impression all of it would be.

**Mr. G. I. Miller.** It couldn't be totally Canadian?

**Mr. Macaulay:** It is pretty hard to be absolutely categorical about that. There may be a nut or a bolt or a screw, or there may be a lot that isn't Canadian.

**Mr. Campbell:** We try to buy runners in Canada, and we have had some competition from overseas. I know that Romania bid on some runners, and I am not sure whether we placed an order with them at one time. I think we did, because we couldn't get runners in Canada at that time. So they are primarily Canadian.



**Ms. Gigantes:** Is there an overview document of this program that we could have a look at?

**Mr. Niitenberg:** We have put a very brief overview type of document together which we could forward. It does not have the explanation. It has the projects and the list of numbers.

**Mr. Macaulay:** I think we could attach a little explanation.

**Ms. Gigantes:** I think that would be useful to us all in our considerations.

**Mr. Niitenberg:** Maybe I could make one more point. The upgrading program is receiving much less attention than the new sites, and this is very cost effective because it makes use of existing facilities, and we are getting more out of the same thing we are doing right now.

**Ms. Gigantes:** As they are doing the research work in the programs that you are looking for in the development of new hydraulic sites, are you developing cost estimates on a kilowatt-hour basis?

**Mr. Niitenberg:** Yes. That is part of the feasibility study. In the first phase of the study we establish technical feasibility, cost estimates, and then that program gets presented for approval.

**Ms. Gigantes:** When do you expect it will happen, equivalent kilowatt cost?

**Mr. Niitenberg:** We should start getting that cost data on the first four plants by the end of this year or early next year, still leaving an adequate time period for environmental assessment and construction.

**Ms. Gigantes:** If you are moving ahead with this program you must feel there is an economic benefit to be gained.

**Mr. Niitenberg:** I would be presupposing what would be coming out of the reports, but my personal belief is that a number of these sites are definitely economic to develop. Not all of them. Some of them may have technical problems and economic problems, but for peak capacity there is a definite niche for it as a next slice after our committed program.

**Mr. Wildman:** May I ask, is it possible for the Mississagi system—the dams you already have, Rainer, Red Rock and so on, on the Mississagi—to operate at peak capacity without a further development on that river, at the peak that was intended when those installations were put in in the first place?

**Mr. Niitenberg:** I couldn't answer that.

**Mr. Campbell:** When we install one more site on that river, at Patten Post, that would fully develop the river.

**Mr. Wildman:** So what you are saying is the present system cannot develop at full potential without a further development?

**Mr. Niitenberg:** There is still a potential of 240-odd megawatt peaking capacity in that system.

**Mr. Wildman:** Thank you.

**Ms. Gigantes:** Can I ask, is there a relationship between the time of year and the peak capacity of a hydraulic system; a direct and predictable relationship?

**Mr. Niitenberg:** It is fairly irregular. The peak production period is the spring freshet when you have a lot of water, and the low water condition usually occurs in early fall.

**Ms. Gigantes:** Right, and it would have a fairly high capacity during a winter period. Would you be using these hydraulic sites, were they developed, for peaking?

**Mr. Niitenberg:** They would certainly be for intermediate and peak load operation. If you were using them for energy production, the average output from them would be considerably lower than the figures we are talking about.

**Ms. Gigantes:** Then we should be more concerned with the peak capacity of the project than we should be with the average capacity?

**Mr. Niitenberg:** Yes, we are. This is why we are talking in terms of capacity of these additions. But you have to keep in mind the average megawatt production, because you also have to be concerned about how much energy you get out of the capacity.

**Ms. Gigantes:** How much energy we get out of the capacity, where you are talking about the financial payback. When you look at the figures we will be estimating the economic feasibility or the economic benefit or the basis of the peaking economics?

**Mr. Niitenberg:** Yes, there are two values. There is a value for capacity and there is a value for energy production. We would be looking at both of them.

**Mr. Wildman:** On the debit side you would be looking at erosion farther down the river and so on?

**Mr. Niitenberg:** That would be part of the environmental assessment.

**Mr. Macaulay:** It varies on two bases. One is the freshet problem, and the other is the day-to-day variations.

**Mr. Niitenberg:** It may be of interest that since 1974 we have redeveloped or upgraded 29 units which gave us 126 megawatts of extra capacity.

**Ms. Gigantes:** Do you have cost figures on those? Or do you have kilowatt-hours estimates? Can we get those from you? That would be of interest to us too.

**Mr. Niitenberg:** Yes.

**Ms. Gigantes:** Mr. Chairman, I would like to thank Mr. Niitenberg for that information. I understand my colleague Mr. MacDonald would like to question the chairman about the Hydro expansion plan. I will leave that aside, because he will be doing that. I would just like to ask the chairman about the latest speech he made. It was quite an intriguing speech.

**Mr. Macaulay:** That is one of the better notices I have had.

**Ms. Gigantes:** Intriguing, eh?

**Mr. Macaulay:** It was last Thursday night, Ms. Gigantes; I don't recall your being there, it's a matter of fact.

**Ms. Gigantes:** This was April 11 at the all to the bar of the Law Society of Upper Canada. The chairman puts forward in his speech what he calls a simple thesis.

**Mr. Macaulay:** I hope you are going to read the whole speech, Ms. Gigantes, so it will be in perspective and not out of context.

**Ms. Gigantes:** Mr. Chairman, I would be pleased to table this speech with the committee so everyone can have a chance to read it in context. I wouldn't like to take up the time of the committee reading the whole thing.

The chairman is discussing a kind of practical approach to trying to plan for Hydro's program to meet Ontario's electric power needs. He devotes a great deal of concern to the question of regulation and how it will affect our economy and the ability of Ontario Hydro to meet the province's electric needs.

On page five, and I'll address this directly to Mr. Macaulay if I may, you suggest the following: "Keep in mind that to build a nuclear plant in Ontario, about 30 separate pieces of federal and provincial legislation must be met, accounting for a good deal of the 14 years it takes to get the plant off the drawing boards and generating electricity." I wonder if you could relate that, Mr. Macaulay, to Darlington. Did Darlington meet separate pieces of federal and provincial legislation?

**Mr. Macaulay:** I don't know how many pieces it has met but, as you know, it still has a long way to go before it is generating electricity.

**Ms. Gigantes:** But would you suggest that the length of time it is going to take to get Darlington off the drawing board and generating electricity is related to 30 separate pieces of federal and provincial legislation?

**Mr. Macaulay:** Only partly. As you know, it also relates to the load forecast.

**Mr. W. Newman:** May I ask a supplementary?

**Ms. Gigantes:** Yes.

**Mr. W. Newman:** Each year Darlington is delayed, how much is it costing?

**Mr. Macaulay:** The delays now have to do with our expectations of meeting needs down the road. So you are not only into a question of cost but you are also into a question of whether you are meeting a need that exists and whether it is coinciding with your load forecast. If you wanted some numbers on precisely what it cost to delay it if you had to supply alternative electricity from some other source, then we could provide that for you.

8:50 p.m.

**Mr. W. Newman:** Just a ball-park figure—each year it is delayed how much is it costing Ontario Hydro?

**Mr. Macaulay:** I don't know.

**Ms. Gigantes:** The more you spend on it the more it costs.

**Mr. W. Newman:** I am not talking about that.

**Mr. Macaulay:** The question is whether you need other fuel to replace what would have, hypothetically, been produced by Darlington.

**Ms. Gigantes:** No, you don't need other

**Mr. Macaulay:** Under our forecasts, we are scheduling construction of Darlington to coincide with the needs as they are being forecast for the latter 1980s; the latest figures are for the 1980s and early 1990s.

**Mr. W. Newman:** I appreciate that, but there is export and many other factors involved. I still would like to know. There may be exporting of power and there is. I am asking what each year's delay in building a plant like that for export or our domestic needs costs.

Ontario was built by power. If you go back to the Leslie Frost days that made this province the great industrial centre it is, it is because we have had lots of electrical power.

**Ms. Gigantes:** If you look through the Porter commission report you will find some discussion in this connection.

**Mr. W. Newman:** I am asking the chairman of Ontario Hydro, okay?

**Mr. Macaulay:** I don't know how to respond to the question, Mr. Newman, because if we were to delay it beyond the time we needed it then we could say the alternative energy was going to cost us so much more by coal than by nuclear means. But since our forecasts do not indicate that we are going to require that before we are scheduling it, I can't say to you it is going to cost us X dollars to delay it—unless we delay it beyond the period of time we need it. Then we can get some answers. They would be hypothetical, of course, but I suppose we could provide some kind of answers at that time.

**Mr. Campbell:** The point is the plant has been deferred because it was not required. If it is built in a later period of time, of course it would cost more. On the assumption that escalation contingencies would be with us, and apparently they will, it would be built in a period of time with the escalations higher than if it had been built earlier.

**Ms. Gigantes:** The problem with that logic is that we should immediately cover the province with nuclear plants so as to save the escalating costs 1,000 years from now.

I will continue with one other section of the chairman's speech which I found fascinating. Again it relates to his view of the role of environmental legislation and his view that environmental legislation can be nothing more than a cover for obstructionist approaches to economic growth.

I like the chairman's comments on the following section of his speech. "This thesis, that the 1980s had better be a time of rationalization of present legislation and a fine tuning to come to grips with obstructionist legislation, is based on a simple equation between energy growth and economic growth. Countries with the greatest inequality of income, defined as the ratio of income of the richest 20 per cent to the poorest 20 per cent, also have the lowest energy consumption per unit of output. It seems logical to conclude that expensive energy will mostly hurt the poor. We need inexpensive energy for economic growth, to better the situation of our unemployed and impoverished."

I would like to point out I am reading this section of the speech quite in context following the earlier section, in which the

chairman of Hydro has been referring to the need to simplify the process of approval of nuclear power plant construction in Ontario. I would like him to explain how he views this simple equation between energy growth and economic growth, and whether he has taken into account the many indications that have come to us from energy economists that there is no necessary correlation between energy growth and economic growth at a certain point in our energy development program.

**Mr. Macaulay:** I beg your pardon? I did not hear the end of the question.

**Ms. Gigantes:** When we get to a certain point in our energy development program—for example, right now—there is no necessary correlation or, as you put it, simple equation between energy growth and economic growth. I am sure that view is not new to the chairman of Hydro.

**Mr. Macaulay:** The view you have just expressed?

**Ms. Gigantes:** Yes.

**Mr. Macaulay:** No. It is not new.

**Ms. Gigantes:** Why is it that you insist on making this simple equation then?

**Mr. Macaulay:** Because I think it is an accurate one.

**Ms. Gigantes:** Do you think it is legitimate to compare countries where there is the greatest inequality of income to the kind of country we have here, and to draw any conclusion from countries where the distribution of income is very poor to reach the conclusion that you make, that we have to cut back on our environmental concerns so as to look after our unemployed and impoverished?

**Mr. Macaulay:** I did not say cut back. I said rationalize, streamline, simplify, remove some of the complications that exist in the system.

**Ms. Gigantes:** Perhaps you would explain to us how that relates to countries with great inequality of income.

**Mr. Macaulay:** Which question do you want me to answer? What is the correlation between energy cost—

**Ms. Gigantes:** I would like to understand your logic in this section.

**Mr. Macaulay:** —and economic expansion I think there is lots of evidence as to that. I would be happy to add to whatever the speech says if you would like me to do that.

**Ms. Gigantes:** I would like to understand the logic you have gone through in this section.



tion of your speech. What you do is ask us to consider countries where there is great maldistribution of income and where they have the lowest energy consumption per unit of output. Then you move, somehow, inexplicably to me—perhaps you would explain it—to a suggestion for dealing with our own unemployed and impoverished, as you call them—I assume when you say “our,” you mean “our, in Ontario,” since that is where your mandate is.

How do you move from Third World countries—I presume you are referring to them—where there is a very bad distribution of income, to a program related to environmental concerns in this province, and suggest that those environmental concerns are adding to problems of unemployment and impoverishment in this province?

**Mr. Macaulay:** The thesis referred to in the speech, if I recall correctly, was that there is a direct line of connection between energy costs and economic development and that the things that can minimize energy costs can make a contribution towards economic development. The corollary to that is that where economic development provides the least opportunity for those who want to move from the lower levels of income, in many countries of the world, energy costs are the highest.

I think that thesis can stand a considerable amount of scrutiny on the part of those who are far more learned in economics than I am. I think it is a reasonable one for the chairman of Hydro to have. It is not inconsistent with the theories of economic development that have been relevant in this province for many years. It is probably also fair, if I may just add the thought, Ms. Gigantes, to express the view that bureaucracy, whether it be governmental, legislative or Ontario Hydro, if allowed to flourish without some degree of effort on the part of you and me and everybody else in this province, has a tendency to cause stagnation and to place obstacles in the way of economic development and growth. I would be glad to elaborate on that in some further printed material or conversation with you, if you like.

**Ms. Gigantes:** Yes. It is a fascinating subject. Let me suggest that it sounds rather strange coming from you who have just explained to us that every hydro project involving—I guess the upgradings would have to go through environmental assessment too, I cannot see why they would not—a small development could require two years. That is a very serious matter.

9:00 p.m.

We must definitely be willing to wait on our hydro programs so that we can have proper environmental assessment. There is no problem, it seems to me, when it comes to environmental assessment of such programs as hydro power, as far as Ontario Hydro is concerned. But there certainly has been when we get to building one of the biggest nuclear stations on the face of the earth, Darlington.

**Mr. Macaulay:** There has been what?

**Ms. Gigantes:** There has been a problem in getting Hydro and the Ontario government concerned with the environmental assessment of that project.

**Mr. Macaulay:** Ontario Hydro does what the laws require it to do.

**Ms. Gigantes:** Ontario Hydro actively seeks exemption from environmental assessment for the programs it wishes to pursue.

**Mr. Macaulay:** There were a number of hearings and a number of discussions and opportunities for local input in that area over a number of years.

**Ms. Gigantes:** Ontario sought and received from the government an exemption from the Ontario Environmental Assessment Act for Darlington. It seems to me very strange and inconsistent that you would launch into a major policy statement accusing people, who are concerned to have environmental assessment, of being obstructionist and—

**Mr. Macaulay:** Please let me express my thesis in my own words, Ms. Gigantes.

**Ms. Gigantes:** —being anti-growth.

**Mr. Macaulay:** Those are not my words.

**Ms. Gigantes:** I can find the exact words you used.

**Mr. Wildman:** Do you view the environmental assessment process as obstructionist?

**Mr. Macaulay:** Provided it is not obstructionist, provided it is relatively brief and not duplicated by other legal processes, provided it is not dragged through—

**Ms. Gigantes:** Let me quote another section of your speech: “Does environmental regulation necessarily imply that Hydro must prove need for every new segment of every line or every transformer station? I hope it doesn’t. Because the implications of having to do it are worse than diseconomic—they are essentially anti-growth.”

**Mr. Macaulay:** Right. Everything we do, Ms. Gigantes—we do not go to environmental assessment to upgrade the runners in a hydraulic installation. You said a minute ago that you assumed in a two-year pro-

gram to improve our hydraulic installations there will be environmental assessment. No, there will not.

**Ms. Gigantes:** I am sorry. I did not follow that.

**Mr. J. Johnson:** Mr. Chairman, on a point of privilege: Some of us have been here now since seven o'clock, and I would like to ask if there is any rotation method that would—

**Mr. Chairman:** I take the names as they indicate they want to be heard.

**Mr. J. Johnson:** In fairness, should it not be that a member could ask questions for 10 minutes, then let some other member ask, then come back to the first member, so that we each could have a turn?

**Mr. Wildman:** Mr. Chairman, on a point of order: Those ground rules were not set at the beginning.

**Mr. W. Newman:** No, because we understand there is some reasonableness in this whole situation. Am I correct?

**Mr. Chairman:** Continue, Ms. Gigantes.

**Ms. Gigantes:** Mr. Chairman, I will leave this topic, in deference to the request of the Conservative members. I think the chairman of Hydro is going to have to be much more careful as to the kind of approach he takes on environmental concerns and as to the accusations implied about those people in this province who take those concerns very seriously. He is going to have to watch the accusations he makes, and stop trying to insist on simple equations in a complicated society. I would certainly hope this is not a line of discussion he intends pursuing in the future. I think it is unworthy of him.

**Mr. Wildman:** Mr. Chairman, one short supplementary: Is the chairman of Hydro aware that, in a submission to the Porter commission, the Ministry of the Environment indicated that in its view Ontario Hydro viewed the environmental assessment process as—I think the words they used were—"one more hurdle to get over in bringing a plant on stream, rather than an integral part of the development process"?

**Mr. Macaulay:** Am I aware the ministry said that?

**Mr. Wildman:** And if you are, what is your response to that?

**Interjection:** That Hydro said that?

**Mr. Macaulay:** No, that the ministry said Hydro feels that way. That's Mr. Wildman's question. No, I am not aware of that, but in four and a half years of deliberations I

think almost everything that could possibly be said about anything was said.

**Mr. Wildman:** I raised that before the Porter commission and a representative of Hydro—and I'm sorry I don't have the name here—appeared and he denied it. He said no, that wasn't Hydro's policy.

**Mr. Macaulay:** I can't speak for everybody in Hydro. I think it's a fair statement that we understand the law, we understand the intent of the law and we understand due process, and all of those things are at work in this world that we live in and that's part of the activity we are engaged in. We have people who spend a great deal of their time in preparing the things that we do to coincide with the processes that are described under those laws. We don't make the laws, we observe them, and we attempt to do that as best we can.

I suppose it is reasonable to say that those who are engaged in moving from A to B feel that anything that gets in the way of moving from A to B, regardless of how well intentioned it may be, is in fact an obstacle, whether that's the view of others or not. I think that's a perfectly reasonable expression.

I would like to just finish this thought if I might, Mr. Chairman. I'm not suggesting, in my earlier comments to Ms. Gigantes, that there is anything very sanctimonious or sacrosanct in our observations about environmental legislation. I was referring then, at least in part, to the intent that some people had in pursuing the course of action they did with respect to it.

Hydro certainly has a responsibility to live within the law and to make a contribution to the quality of life that we all expect to enjoy in this province, and we hope our children and grandchildren will have. Nobody has a corner on the good objectives along those lines.

**Mr. Gaunt:** I want to talk about Bruce B for a moment, but before I do, could I ask three somewhat unrelated questions?

What has been the growth rate of Hydro over the past 12 months?

**Mr. Niitenberg:** Approximately three per cent.

**Mr. Gaunt:** How high was the highest peak over the previous 12-month period?

**Mr. Niitenberg:** I'm going by memory right now, but there were some time period when it was 4.5 to five per cent above the previous peak.

**Mr. Macaulay:** If you are talking about the 12 months up to now, March was a particu-

larly high growth month because of the temperature.

**Mr. Niitenberg:** Yes, you get the temperature effects, and once you have analysed these out you're looking at about three per cent load growth.

**Mr. Gaunt:** What was the peak in terms of megawatts? Was March your highest month this year as opposed to December? December is usually your highest month.

**Mr. Niitenberg:** It has shifted to January or February, depending on the temperature. The December peak no longer exists.

**Mr. Gaunt:** Oh, that doesn't apply any more? Everybody is shutting off their Christmas lights?

**Mr. Niitenberg:** Exactly, that is part of it.

**Mr. Gaunt:** So what was the peak in terms of megawatts in January?

**Mr. Gordon:** That was 16,500 megawatts.

**Mr. Gaunt:** What is your current installed capacity?

**Mr. Gordon:** About 24,000 megawatts.

**Mr. Gaunt:** I'm interested in this because as I understand it, I believe it was last year when Hydro was before the committee, there was some suggestion that you wanted to wait for the Royal Commission on Electric Power Planning to report before you made a decision on the second corridor out of Bruce.

9:10 p.m.

Bruce B will be in production in 1983, and yet there is no possibility, at least at the moment, of a line to accommodate the power that is going to be produced at Bruce B. If you overload the present Bradley-Georgetown corridor you are obviously going to run into some problems.

We were talking about environmental assessment and the procedures attendant thereto. The environmental assessment would apply to a new line or double line coming out of Bruce to carry the power generated by Bruce B. Given the time constraints within which you are operating, do you think you can get that power out? I guess that is the simplest way I can put my question.

**Mr. Campbell:** We intend to get the power out. We intend to make provisions so that with the eight units in service at Bruce B we will always be in a position to generator-reject two units at each plant in case of an emergency. In addition, it might well be that in certain unusual situations you would have to dump some load on the system.

**Mr. Gaunt:** What do you mean when you say "dump some load on the system?"

**Mr. Campbell:** You might have to cut some load on the system under very unusual situations.

**Mr. Gaunt:** Do you mean on the existing line?

**Mr. Campbell:** If you try to put all eight units on the existing lines, yes.

**Mr. Niitenberg:** Some of the customers would go without electricity for a time.

**Mr. Gaunt:** You are not considering double lining the Bradley-Georgetown corridor?

**Mr. Campbell:** Yes, we are talking about a new line, but what I am talking about is I would get the power out from the eight units until the second line was built.

**Mr. Macaulay:** Pardon me. Let us be very careful about answering the question just asked. You are not considering a double line? You are referring to doubling up a line that is currently under construction from Bruce down that right of way?

**Mr. Gaunt:** Yes.

**Mr. Macaulay:** That decision really isn't going to be Hydro's, because of the necessity and the desirability of going to environmental assessment, at which time the alternatives will be made obvious to those who have the responsibility for adjudicating the line. It is pretty unlikely—in fact I think it is virtually impossible—that that line could be doubled. For one thing, there isn't enough right of way. I hope I am not putting my foot in the mouths of those who are technically competent in our organization. I hope one of them will correct me.

**Mr. Campbell:** The existing 500-kilovolt line is being built, and hopefully, the last portion will be strung very shortly. It contains two circuits. No more circuits can be added to that line.

**Mr. Macaulay:** Unless it is widened, and we are not looking at that.

**Mr. Campbell:** Unless we build another tower line. What we are looking for is another tower line, a double-circuit tower line.

**Mr. Macaulay:** Not there.

**Mr. Campbell:** Not necessarily there, no. We don't know where this is going to be.

**Mr. J. Johnson:** Mr. Chairman, I have a supplementary. Is it okay, Mr. Gaunt? Which line are you talking about?

**Mr. Campbell:** The second 500-kilovolt line from Bruce.

**Mr. J. Johnson:** From Bruce down through where?

**Mr. Macaulay:** That is the \$64 question.



**Mr. J. Johnson:** You are not talking about Colbeck-Limestone?

**Mr. Macaulay:** There is one now, there is going to be another one, but we don't know where it is going to go.

**Mr. J. Johnson:** Murray, are you talking about Colbeck-Limestone?

**Mr. Gaunt:** No, not necessarily.

**Mr. Wildman:** That is what he said.

**Mr. Gordon:** It is highly unlikely that we will come down the same route for the second line.

**Mr. Gaunt:** That's what I wanted to hear. You do, though, have enough right of way that you could build, barring the environmental assessment aspect?

**Mr. Macaulay:** Mr. Campbell just said no, we cannot.

**Mr. Gaunt:** You could not, technically, put another tower there?

**Mr. Macaulay:** Could we put another 500-kilovolt line down that same right of way?

**Mr. Campbell:** I don't think we could with the property that we own. We might in very short sections, but we could not put a full line through.

**Mr. Gaunt:** For the sections that go through near Bruce, I think you could. You have some fair right of way.

**Mr. Campbell:** On the Bruce end?

**Mr. Gaunt:** Yes.

**Mr. Campbell:** Yes, there may be some sections where we could do that, but we certainly could not do it all the way through.

**Mr. Gaunt:** Okay. So no matter how you go, you are a piece off of getting another line, whether it is in the same location or whether it is in a new location. The chances are, as Mr. Gordon has said, it would be a new location. I am trying to get a time frame from you in terms of how you are going to do this. Bruce B is going to be producing power in 1983. How are you going to get that power out? What sort of time frame do you see in terms of building another line to get that power out?

**Mr. Campbell:** The best we can do on a new line probably would be 1987. We can take out six units reasonably comfortably on the existing transmission we have.

**Mr. Gaunt:** Six out of the eight?

**Mr. Campbell:** Yes, we can actually take the eight out under certain conditions as long as we are prepared to load-reject and generator-reject when the weather is bad.

**Mr. Niitenberg:** In other words, with the lack of a second line the system is not as reliable as it should be and, therefore, there is the potential of having to trip units off the system and, in some cases, cut the power to customers.

**Mr. Macaulay:** The closer together those two lines are—whether it is yards, feet, miles or whatever—the more subject they are to weather problems that may occur.

**Mr. Campbell:** The current schedule for the units is: unit six, October 1983; unit five, July 1984; unit seven, April 1986; and unit eight, January 1987.

**Mr. Niitenberg:** We are currently analysing the technical problems in connection with the system in terms of load rejection and generation rejection.

**Mr. MacDonald:** In other words, it is your hope to have the second line in by the time the fourth unit is in?

**Mr. Campbell:** About that time.

**Mr. MacDonald:** In 1987?

**Mr. Campbell:** Or earlier if possible from a reliability point of view.

**Mr. Niitenberg:** But we are counting on 1987.

**Mr. Macaulay:** We are depending on the speed with which the environmental assessment is carried out, Mr. MacDonald.

**Mr. MacDonald:** That obstructionist legislation you have to put up with.

**Mr. Macaulay:** Oh, no. Don't put those words in my mouth.

**Mr. Gaunt:** If you sell power on a line under water across Lake Erie to the United States, where is the power going to originate? At Nanticoke?

**Mr. Campbell:** It will come from the system.

**Mr. Gaunt:** Well, yes. I know it will come from the system, Mr. Campbell, but what part of the system? Will it come from Nanticoke?

**Mr. Campbell:** The cable will be tied into Nanticoke, but I really mean the power can come from the system.

**Mr. Gaunt:** So if Nanticoke breaks down or if there is a problem, as sometimes happens, then you will pull from the grid to export that power?

**Mr. Niitenberg:** The kilowatt-hours, unfortunately, are not colour-coded; so it will come from the first slice over and above meeting Ontario's needs.

**Mr. G. I. Miller:** What would be the capacity of that line if it does go ahead?

**Mr. Niitenberg:** The capacity is projected to be 1,000 megawatts.

**Mr. Gaunt:** So if something happens on Nanticoke it is possible, since Bruce is part of the grid, that some of the power being generated there would be used for export purposes?

**Mr. Niitenberg:** No. The Bruce power, being of the lower-cost variety in our system, would be on base load and would be supplying Ontario. We would be selling off the next slice after supplying Ontario, which would include nuclear power, hydraulic power and some coal. It would be a higher-cost slice than Bruce power.

**Ms. Gigantes:** If Nanticoke went out, it could involve some power from Bruce?

**Mr. Niitenberg:** No. It possibly would involve power from Lakeview, Hearn, Keith or Lambton.

**Ms. Gigantes:** I would love to see the contract on that one.

**Mr. Niitenberg:** It does not address the contract, because the power that is required for Ontario would have to come from the base load plants and our most efficient coal-fired units. Unless the Ontario demand drops so low that we have an overabundance of hydraulic and nuclear generation, the next higher heating place would be coal.

9:20 p.m.

**Mr. Gaunt:** What is the selling price of power under the present export contract?

**Mr. Niitenberg:** We are talking about the Lake Erie cable, are we?

**Mr. Gaunt:** Yes.

**Mr. Niitenberg:** There is no export contract, and I think that is a great misconception. What we are entering into right now is looking at its technical, economic and environmental feasibility so that this can be considered in the context of the government export policy and so on. We are in the very early stages of answering some of the questions that are causing concern, and the power delivery isn't projected until 1985.

**Mr. Gaunt:** Okay. What price have you got for the power that you have exported this year?

**Mr. Campbell:** We are charging about 30 mills.

**Mr. Gaunt:** Thirty mills?

**Mr. Campbell:** Yes. Three cents per kilowatt-hour.

**Mr. Macaulay:** Mr. Chairman, Mr. Chandler of Ontario Hydro is here. He is our resident export expert. Perhaps if Mr. Gaunt

or any other members of the committee have questions related to activities in export or pricing, Mr. Chandler can come up to the table and assist them.

**Mr. Gaunt:** Actually, Mr. Chairman, I didn't want to pursue that, in view of the time. There are some questions that I would like to pursue, but I have some areas I want to touch on, and with your permission I think I will move on. I know there are many others on the list.

What percentage of revenue is currently going to carry the debt at Ontario Hydro?

**Mr. Macaulay:** Twenty to 25 per cent.

**Mr. Gaunt:** What has happened to the debt-equity ratio over the past 12 months?

**Mr. Macaulay:** Our current experience is that it is improving. If you consider a reduction in debt in relation to equity to be an improvement, it is currently improving to the point where I would expect at the end of the current fiscal year it would be about 0.845. Isn't that right, Doug?

**Mr. Gordon:** Yes.

**Mr. MacDonald:** Down from a peak of 87?

**Mr. Macaulay:** About 86.4. In other words, for anyone who is not familiar with that term, we will owe about 84.5 cents for every dollar we own at the end of this year.

**Mr. Gaunt:** Could you tell me how many employees there are in the public relations department of Ontario Hydro?

**Mr. Macaulay:** All of those involved in doing that kind of work are not necessarily in the public relations department, but all of those doing that kind of work number about 85.

**Mr. Gaunt:** And how many people are there in the conservation division of Ontario Hydro?

**Mr. Macaulay:** I can't answer that. Can you answer that, Mr. Campbell?

**Mr. Campbell:** Conservation and utilization, the two activities, number 60 to 70.

**Mr. Gaunt:** So there are more people in public relations than there are in conservation and utilization?

**Hon. Mr. Welch:** If I may interrupt for one moment, the minister thinks that all employees of Ontario Hydro are engaged in public relations.

**Mr. Wildman:** Especially the Minister of Energy.

**Mr. Gaunt:** I would also hope they are all engaged in conservation as well.

**Mr. Macaulay:** Mr Chairman, I think the member infers something by that ratio, and I would like to make one brief observation.

In recent years there has been some criticism of Ontario Hydro being less inclined to disclose its activities than it should, and that involves a very major undertaking from one end of the province to the other. In response to that public criticism and the advocacy that point of view has received from many in this room, it involves a lot of people working very hard, from one end of the province to the other. They work in our generation stations, they work in our regional offices, they work in the Toronto office, and there are some in this room.

I might add that responding to the requirements of the select committee of the Ontario Legislature, the standing committee on resources development, the minister's estimates procedures, royal commissions and other activities, involves a considerable number of people and a very sizeable amount of money.

We think that is money pretty well spent. I don't suggest the ratio is perfect. In fact, it even may be that there is nothing perfect about Hydro, but I would hope there is no inference drawn from the fact that we have 85 people, give or take one or two, who are involved in the process of informing the people of Ontario about the utility they own.

**Mr. Gaunt:** I am concerned to this extent: My perception of Ontario Hydro was that it was sort of dragged, kicking and screaming, into the conservation era. That is my perception. You tell me if I am wrong.

**Mr. Macaulay:** You are wrong.

**Mr. Gaunt:** All right. That's fair enough. That is why I asked the question. It seems to me that the emphasis on conservation should be more apparent than I sense it is, and you tell me, Mr. Macaulay, if I am misreading it.

**Mr. Macaulay:** That may be a fair criticism, but I think there is a lot of work that goes on that you and a lot of people are not aware of; that is our fault, and not yours. A lot of our work is involved in working directly with people who are large consumers and small consumers—farmers, industrial users, commercial users, shopping centre owners, people of all kinds, occupations and activities of all kinds. That isn't necessarily apparent to a lot of people, and that is going on all the time. I just wish we were a little modest about talking about it than we seem to appear to be.

**Mr. Gaunt:** That raises the whole question

of advertising. How much money do you spend on advertising?

**Mr. Macaulay:** About \$3.5 million.

**Mr. Gaunt:** Is that up last year over the previous year?

**Mr. Macaulay:** No. It is about the same.

**Mr. Eaton:** Are you advertising use or conservation now?

**Mr. Macaulay:** We are advertising three things. We are advertising the wise use of electricity and the safe use of electricity. Then we have a public information program, which is a third component, having to do with load forecasts, excess capacity, the role of uranium and so on.

**Mr. Eaton:** An excellent program.

**Mr. Gaunt:** How lucky we are to have that excess capacity.

**Mr. Macaulay:** I think it is probably fair to say that there is not a widespread understanding of what is standby capacity or reserve capacity, what is surplus or excess beyond a reasonable reserve, as say the Porter commission defines it, and it seems not unreasonable that the people of Ontario should have some information on that subject that we are able to present them with. Whether it is on the back of somebody walking up and down Yonge Street with a sandwich board, or whether it is a radio advertisement, or on television, in a newspaper, magazine or whatever it is, we consider that an obligation we have. I hope you do too.

**Mr. Gaunt:** Mr. Chairman, I will pass. If there is enough time at the end, I would like to come back.

**Mr. Chairman:** Mr. MacDonald, then Mr. Johnson, Mr. Newman, Mr. Eaton, Mr. Ruston and Mr. Miller, just as you indicated to us.

**Mr. Eaton:** I was first, then Evelyn, then Murray—

**Mr. Chairman:** This is the way they have indicated. These people have been here since seven o'clock, and when we finished the estimates they indicated they wanted to be heard. I listed them in order. I didn't go by party.

**Mr. Eaton:** Just a minute, Mr. Chairman. I raised one subject, and I had about six here that I wanted to talk about. I could have kept on, but I figured I would talk about one subject and we would rotate, just as we always do on committees; we go from one party to the other.

**Mr. Chairman:** You led off, Mr. Eaton.



**Mr. Eaton:** That's right. Then Ms. Gigantes went—

**Mr. Chairman:** All right. Mr. MacDonald has the floor.

**Mr. Eaton:** —and then Mr. Gaunt. It should come back to the Conservatives.

**Mr. Chairman:** Mr. MacDonald hasn't spoken yet, and he held up his hand—

**Mr. Eaton:** Neither have a couple of the other Conservatives.

**Mr. Chairman:** I realize that.

**An hon. member:** They weren't here to put up their hands.

**Mr. Eaton:** They were. I could have kept on for an hour on the one subject.

**Mr. Chairman:** Mr. MacDonald.

9:30 p.m.

**Mr. MacDonald:** Mr. Chairman, away back when we began these estimates, the minister indicated that one of his objectives was to achieve greater diversity in energy development. I commend him for it. It seems to me just plain common sense that in a world of insecure energy supplies one should have as great a diversity as possible.

I am a little puzzled as to the apparent conflicts, if not real conflicts, between that goal the minister has enunciated and other things. When we started out, Julian Reed in his leadoff comments pointed to the statement of Clarke Rollins that seemed to be in rather sharp conflict with the ministry. I am not going to dwell on that unduly, because I suspect the minister can cope with grass roots brush fires created by Clarke Rollins without too much difficulty.

However, I am more interested in what seems to me the conflict elsewhere. For example, the minister accepts diversity as an objective, and yet the Premier rarely speaks whether it is in Ontario or Texas or North Carolina or wherever—without indicating very clearly a nuclear fix in terms of his approach to energy. I sometimes wonder what co-ordination there is between the minister and the Premier. Perhaps I can illustrate my point if I move to what I want to deal with here. It is rather interesting to have the minister on my left and Hydro on my right. I don't know if that is the appropriate ideological position for—

**Mr. Macaulay:** And you in the middle.

**Mr. MacDonald:** And me in the middle. I always was a centrist, thoroughly reasonable—

**Mr. Macaulay:** Middle of the road.

**Mr. MacDonald:** —middle of the road, or right.

The minister, in his statement of October 1, his press conference when he unveiled the program for the next 15 years underlined, emphasized, nuclear program, present program, no new commitments through to 1995.

**Hon. Mr. Welch:** That is what the statement represents.

**Mr. MacDonald:** That is right, no new commitments, and you said you were sticking by it. Interestingly enough, by coincidence, the day after the minister made this statement we had Hydro before us and I think it was Bill Morison who indicated that another station is scheduled at that point for 1993, after Darlington.

**Mr. Macaulay:** No, sir.

**Mr. MacDonald:** He said at that point it was still in your program for 1993.

**Mr. Macaulay:** It may be in his program, but it is not in my program.

**Mr. MacDonald:** Okay. I am interested to get that revision. The minister then went on—

**Hon. Mr. Welch:** I hope I see that change reflected in your speeches now.

**Mr. MacDonald:** I don't know that it will change my speeches, because I was interested in the chairman's comment a little while ago when he talked about bringing Darlington on only when it was needed. Darlington will be built and completed before you will start to need Darlington's power. You are now, under the reschedule, to be completed in Darlington between 1989 and 1991.

**Mr. Macaulay:** You are choosing your words more carefully than I, regretfully, did, because in attempting a response to Mr. Newman's question I was referring to the hypothetical answer required under the circumstances to the question which said: "What does it cost to defer Darlington?" Of course, as you know, if you don't need it, it is one thing, if you do, it is another, and that is what I was attempting to say.

**Mr. MacDonald:** The point I am making, for the edification of Mr. Newman as well as others, is that Darlington will be built before the power is needed. In fact, it will be completed in accordance with your revised schedule, calculated on the basis of the 1980 forecast, in 1991. Darlington will not be needed until between 1991 and 1994, so it is going to be totally completed in the year in which it will be needed to feed into the grid to meet the requirements in this province, based on the 1980 forecast.

Mr. Macaulay: May I offer a comment?

Mr. MacDonald: Yes.

Mr. Macaulay: That is a degree of precision 11 years hence which I think you will agree leaves us and the government with some degree of flexibility.

Mr. MacDonald: It also leads me to remind ourselves that in the last seven years the forecast through to 1988-89 has dropped from 38,000 megawatts to 23,000 megawatts, so your own calculations in terms of your requirements in 1988 have gone down 38 per cent from 38,000 megawatts, which is what you thought you were going to require in 1988 in your forecast of 1974. By 1980 you have that down to 23,000 megawatts. In fact, every year in the last six or seven years your forecast requirements for 1988 are down by an average of 2,400 megawatts, the equivalent of a Pickering plus.

Maybe I am wrong, maybe they will start to go up a bit. If you read the Globe and Mail editorials you may believe everybody is going to be running around in electric cars and the GO trains will all be using electricity and so on, that may take our electric requirements up, and maybe the economy will pick up a bit. The fact of the matter is that in every year for the last seven years your forecast has dropped the equivalent of more than a Pickering A. In fact, this last year it dropped even more dramatically than any previous year—from 4.6 to 3.4 per cent out towards the end of the century.

Let's not quibble over the fact that for economic reasons you are bringing Darlington on stream before you are going to need its power. It will be completely built, it will be in addition to your excess power capacity, so that if you put it on the line you are going to have to take others off the line for the next three or four years to be able to absorb that excess capacity.

Mr. Eaton: Will we be able to make any export sales?

Mr. MacDonald: Maybe we will be able to make export sales. We have 4,000 megawatts of capacity now and we are averaging 700.

Mr. Eaton: Could I ask that as a supplementary? Do you anticipate any export sales from that overcapacity?

Mr. Macaulay: I don't know that it is an overcapacity. Arvo, do you want to comment on current export sales?

Mr. Niitenberg: Maybe I could take the question back a bit. As I mentioned when

we were discussing hydraulic, there is a difference in system planning and in forecasting between energy and capacity. Mr. MacDonald mentioned the timing of the inservice date for Darlington, and from a purely capacity point of view Darlington could have been shifted further. If it had, the lights would not have gone out.

There was production capacity on our system to meet the expected customer needs. That would be high-cost production capacity as far as energy production is concerned, so the economics of Darlington being what they are and the fact that it will displace energy that would have been produced from some 1950-vintage plants and some newer plants such as Lennox, being fired with expensive oil, therefore it would give an overall lower unit cost to our customers. That was the reason for bringing Darlington in before the capacity need became apparent. From that point of view, yes it will increase our surplus capacity for a time.

Mr. MacDonald: There were many other reasons. One was that if you didn't proceed with Darlington now, the nuclear industry that was producing some of the parts wouldn't be alive and in the position—

Mr. Macaulay: Mr. MacDonald, I don't think our decisions have been based on attempting to maintain the economic viability of the industry. That is important to Ontario, but we can't predicate our decisions on that, there have to be a whole lot of other factors involved as well.

Mr. MacDonald: In your system expansion program you explain that one of the reasons why is because the industry to provide the parts for the completion of it wouldn't be there.

Mr. Macaulay: I don't know if we say that is one of the reasons why or that it is one of the byproducts, but certainly it is an economic factor in Ontario.

Mr. MacDonald: I am not going to quibble over words.

Let me get back to reconcile this diversity of approach with what as I understand it—and I have listened to a few million word of testimony in the last five years—is not diversity as far as Hydro is concerned. You now have approximately one-third nuclear in your system. By the time Darlington finished you will have approaching one half. All your eggs are beginning to get into or basket.

9:40 p.m.

The thing that interests me about the program that the minister has raised is that I

talks of having 2,000 megawatts more of hydraulic power by 1995. The Hydro witnesses this evening have told us that is pushed on. I draw to the minister's attention that in the Hydro expansion program of 1980, based on the 1980 load forecast, in table 4-1, you will find that for the uncommitted program for the years 1991 to 1995—that will be the completion of your 15 years of energy security—hydraulic power is zero; nuclear, zero; coal, zero.

How does one equate your proposal that you're going to have 2,000 megawatts of hydraulic power in that 15-year program when Hydro's program states that in that period there will be zero? Indeed, coal, zero. In other words, Onakawana isn't going to be in by 1995. How do you reconcile that? Do you fellows get together? Do you talk with each other when you make these projections? I raised this last week in estimates.

The fascinating thing was that Bill Morison came before the committee the day after you made your announcement, and when I raised the question of Onakawana he was a little startled. He said he didn't think the study was going to be finished until 1981—the end of his year or the beginning of next year.

**Mr. Macaulay:** That's 1981.

**Mr. MacDonald:** Right. In other words, the minister has predicated a program of 1,000 megawatts of power being produced for Onakawana and the study hasn't been finished. As I understand it the study may suggest that you don't produce electricity up there—you asify it or liquify it. That may be an alternative. But the minister has said 1,000 megawatts of electric power.

**Mr. Macaulay:** Or equivalent.

**Mr. MacDonald:** He didn't say "or equivalent." He just said 1,000 megawatts of electric power.

I come back to the other contradiction that merged the very next day, when there was no further nuclear commitment. You correct me now, but one of your vice-presidents said, according to the program two or three months ago, there was another nuclear station for 1993.

**Mr. Macaulay:** He's not a vice-president; he's a very senior and able official.

**Mr. MacDonald:** I thought he was vice-president in charge of design.

**Mr. Macaulay:** No, he's a director.

**Mr. MacDonald:** Sorry.

**Mr. Macaulay:** That's all right. In the fullness of time, no doubt that will be corrected. It's highly possible that internal planning, based on earlier forecasts, might well have a

number of hypothetical possibilities, of which that could be one. But in terms of commitments on the part of the board of directors of Ontario Hydro, there is nothing to indicate anything beyond Darlington. I wasn't there. I don't know what Mr. Morison said, or the context in which he said it.

**Mr. MacDonald:** But, Mr. Macaulay, you go back to your schedule which you had on-line prior to the 1980 forecast revisions, your system expansion program revised on the basis of the 1980—

**Mr. Macaulay:** But nothing committed, Mr. MacDonald.

**Mr. MacDonald:** I grant you it wasn't committed, but it was in the schedule for another one in 1993.

**Mr. Macaulay:** We've got all kinds of things in our files. I could bring you a mile of files that have all kinds of hypothetical possibilities. But until the board of directors says, "That's what we're going to do," it isn't going to be done.

**Mr. MacDonald:** Now that Darlington isn't going to be needed, now that its power isn't really going to be needed until about 1994, I can understand how you have revised it when it is not even in your plans.

**Mr. Macaulay:** I think Mr. Niitenberg has explained the economics of the decision.

**Mr. MacDonald:** This "economics of the decision" to continue to bring on nuclear plants, which means that you are then going to take offstream, admittedly, some what higher-cost plants, surely is somewhat in contradiction to this diversity. You can keep on doing that until you have 75 per cent or 80 per cent of your capacity nuclear and shoving off the end of the line the old plants.

**Mr. Macaulay:** What was it? Thirty-six per cent hydraulic?

**Mr. MacDonald:** Thirty-eight per cent, in your annual report.

**Mr. Macaulay:** We're pretty pleased about that. There's certainly no desire on our part to see that diminish. As you know, we've talked about extensions.

**Ms. Gigantes:** But there are points when water flows over the dam in order to keep the nuclear plants going. We've had testimony to that effect.

**Mr. MacDonald:** Let me not get this confused. What I am trying to get reconciled—and let me put it to the minister—is that you envisage by 1995, 2,000 megawatts, I presume, in capacity, but it will produce only 660 megawatts of energy during that period. I see nothing in the program. In



fact it's zilch. For lignite, it's 1,000 megawatts; and it's zilch in Hydro's expansion program. How do you reconcile that?

**Hon. Mr. Welch:** Mr. Chairman, I think that's a reasonable question.

**Mr. MacDonald:** That's why I asked it.

**Hon. Mr. Welch:** I want to draw the honourable members' attention to the document to which Mr. MacDonald makes reference, Energy Security for the Eighties, announced within days of my appointment—

**Mr. MacDonald:** I was always puzzled why it was Energy Security for the Eighties and it ran to 1995.

**Hon. Mr. Welch:** It's just part of the modesty with which we label these particular projects.

**Mr. Eaton:** We always look a little ahead.

**Mr. MacDonald:** It's what you call an overlap.

**Hon. Mr. Welch:** I think the background is very important. It's very important to realize it was in the context of moving us from a dependency of 80 per cent with respect to our total primary requirements out-of-province, to 65 per cent. It's important to see this part of Ontario's contribution to self-sufficiency—

**Mr. MacDonald:** And increase your indigenous sources from 22 per cent to 35 per cent.

**Hon. Mr. Welch:** That's right. Having said that, there was the breakdown at that time of the long-term goals, as they would reflect, committed as I still am as the Minister of Energy, the concept of diversification.

Although I can't change the content of the reports to which Mr. MacDonald has made reference, in consultation with the chairman of Ontario Hydro I have indicated that those documents still represent the goals of this ministry.

**Mr. MacDonald:** But is it their goal, in view of these figures?

**Hon. Mr. Welch:** I wouldn't be surprised if perhaps there may be some review of this matter, in light of the announced goals with respect to diversification, the principle one of which—

**Mr. MacDonald:** Just a minute, Mr. Minister. This is a review that has been made since your statement. This is the system expansion program based on the new load forecast which came in in February, five months after your statement.

**Mr. Macaulay:** I think maybe the minister is referring to another review of the review.

**Mr. MacDonald:** Let's not confuse this. The minister makes his statement on October 1 with regard to diversification. He cites 2,000 megawatts of hydraulic and 1,000 megawatts from lignite. Five or six months later, on the base of your 1980 forecast, you come out with a statement as zero, zero on both of these points.

**Hon. Mr. Welch:** I don't know when the studies would have started that resulted in this. All I'm saying is we're talking about an objective for 1995. I don't take back this particular document. This document has been discussed with the Chairman of Hydro and it represents the policy intentions of Hydro.

**Mr. MacDonald:** It may represent his policy, but the system isn't aiming at it.

**Hon. Mr. Welch:** I wouldn't be surprised if there would be—

**Mr. Macaulay:** We have a long way to go, Mr. MacDonald. The minister has a great capacity for defining our aims.

**Mr. MacDonald:** Mr. Macaulay, you're not going to con me. You make this statement five months after the minister made his diversification objective statement. In your statement made five months afterwards, on the basis of the 1980 forecast, you have acknowledged neither of those points.

**Mr. Macaulay:** As I said, those are a lot of years.

**Mr. MacDonald:** I'll take you both out to lunch, so you can talk it over.

**Mr. Macaulay:** We'll be delighted. Will you pick up the tab?

**Hon. Mr. Welch:** That's the first positive offer I've had in 17 years from the member for York South. It will be a long lunch.

**Mr. Macaulay:** I think it's fair to say, Mr. MacDonald, that it's a lot of years down the road, and the minister has the capacity to offer very significant policy guidance to Ontario Hydro. Those are part of an uncommitted program for, as Mr. Niitenber described earlier, engineering studies.

9:50 p.m.

They can be stepped up, slowed down, spread out—a whole lot of things can happen over a prolonged period of time, but this doesn't prejudice the ultimate realization of what the minister is talking about. He has indicated to us that he, like you, has done

tected some variance between those two. I can assure you he has also indicated also he thinks that is worthy of some review, and I have said, "Mr. Minister, we agree."

**Mr. MacDonald:** Very good, but I would have hoped in a five-month period you would have detected it and it would have been acknowledged in this.

**Mr. Macaulay:** That is not an unreasonable observation.

**Mr. MacDonald:** Very good. Now let me proceed to the third point. Fourteen billion dollars in the next 15 years is going to be spent on renewables. This year renewable energy development—well, let's go back a bit to show you how meaningless these figures may be.

In the estimates in 1978-79, where you were going to spend over \$2 million, you in fact spent \$812,000, 45 per cent of what you allocated. Last year, your estimates were \$2,294,500. How much was spent, just as a matter of curiosity?

**Hon. Mr. Welch:** We are not able to provide that information. The books are not closed yet. We are waiting for some—

**Mr. MacDonald:** But you know ball-park figures.

**Hon. Mr. Welch:** I don't know ball-park figures.

**Mr. MacDonald:** You underspent.

**Hon. Mr. Welch:** I don't know that we spent it all, but certainly the budget was substantially spent.

**Mr. MacDonald:** Substantially spent? It was 45 per cent the year before. What is substantial?

**Hon. Mr. Welch:** Oh, it would be higher than that.

**Mr. MacDonald:** Sixty or 65 per cent? This year you are going to spend \$6,199,000. That is the first gesture, the first baby step in the direction of spending \$14 billion in the next 15 years. I am rather curious as to what is the breakdown of that \$14 billion.

**Hon. Mr. Welch:** You are very consistent in that, because you have continued to ask that since the day of the press conference.

**Mr. MacDonald:** I read the minister's speeches, and he was up in the clay belt a week or so ago, April 18 to be exact, where he was talking about the energy from waste program. In it he says, "As I have just mentioned, we estimate that for our energy from waste program to reach its goal by 1995 requires an investment of \$3 billion."

**Hon. Mr. Welch:** That's right.

**Mr. MacDonald:** So energy from waste represents \$3 billion of that \$14 billion. Presumably you have done some calculations. Can you give us a breakdown of that \$14 billion as to how you expect it is going to be spent? How much on biomass? How much on wind? How much on solar?

**Hon. Mr. Welch:** Mr. Chairman, I don't mind trying to provide these answers now, but this vote was about three votes ago. We have gone through this. We are into Ontario Hydro at the moment. We have completed all these votes. If you would like to give us some time to see if we can put these together, this is the whole renewable energy field. My renewable energy staff were obviously been told they wouldn't be needed today.

**Mr. MacDonald:** Okay, at some other time, if I am missing it, because I was not here the other night.

**Hon. Mr. Welch:** I would be glad to.

**Mr. MacDonald:** That is going to provide five per cent of our energy at that point.

**Hon. Mr. Welch:** No, I think it is 3.2 from energy from waste and 1.8 from solar, making five per cent.

**Mr. MacDonald:** That's right, a total of five, correct. I don't know five per cent of what, but if five per cent is what is going to be the peak load of Hydro at that point, it is about 1,500 total energy.

**Hon. Mr. Welch:** It is five per cent of the primary energy that helps move us from 22.5 to—

**Mr. MacDonald:** Okay, Mr. Minister. The chairman of Hydro has conceded there is nothing in here to acknowledge the diversification in your objectives.

**Mr. Macaulay:** Please, sir, don't put words in my mouth.

**Hon. Mr. Welch:** You notice the figure with which he was—

**Mr. Macaulay:** If you want to take issue with what the minister says, please don't get Hydro caught in that crossfire.

**Mr. MacDonald:** You conceded that it was a reasonable point that there is nothing in here by 1995 on hydraulic and coal, so there is no argument about it.

**Mr. Niitenberg:** Could I make a point? The document that is being referred to is the 1980 review of the system expansion program as approved, so the whole program focuses on the committed portion. In order to be able to see and level manpower requirements, we will look at what is needed in terms of capacity additions and tack on

a very short, unreviewed portion of the uncommitted program. There is only one reference in the table, and that is the last table that you referred to, which shows the uncommitted program on their various load forecast scenarios, and with a 3.4 per cent load forecast those figures hold true.

At the same time, we have a number of study programs in effect which will cover the feasibility and the economic sequence and developing of these hydraulic sites I talked about previously that could be activated, and at the same time we are also doing a feasibility and basic engineering study at Onakawana, which hopefully will reach a point where an intelligent decision can be made about it during 1981.

These are part of the uncommitted program which is being looked at as possible alternatives to plug in, if and when the need arises.

**Mr. MacDonald:** Fair enough. I can understand over in Hydro you run a business and you have to work from your studies and your engineering studies. What I am trying to figure out is how the minister has jumped so far ahead of you that he has 1,000 megawatts from lignite, 2,000 hydraulic and 2,000—from what ivory tower did those figures get plucked and how meaningful are they?

**Hon. Mr. Welch:** Mr. Chairman, I think Hydro has responded to that. That is the goal and that goal has been communicated to the organization through the chairman.

**Ms. Gigantes:** Does it mean we can expect that Darlington won't be needed, even according to the 1980 forecasts if they incorporate these other projects, until well past 1994?

**Hon. Mr. Welch:** I don't think you could come to that conclusion on that basis.

**Mr. MacDonald:** On the basis of the present load forecast is right. You see, if all of this is fulfilled you won't need to build another nuclear giant, conceivably in this century. Then you would really be achieving your role of diversification.

**Mr. Macaulay:** Do you mean after Darlington?

**Mr. MacDonald:** Yes.

**Mr. Macaulay:** Yes, I think that is quite possible.

**Mr. MacDonald:** Quite possible?

**Mr. Macaulay:** But it is also quite possible what you said is not correct.

**Mr. MacDonald:** If the load forecast is out.

**Mr. Macaulay:** The buck, unfortunately, stops across the road in Hydro. We have

to make the decisions in due course on whether your predication, either way, must be realized. Consequently, we can sit in this room and hypothesize until we are blue in the face about what we have to have and what we don't have to have. Hydro, under the law, has to make a decision and has to be accountable for the results of that decision in 1993. That is why I say that what you just said may well be the case, but it may turn out not to be the case. That is the risk we run and will continue to run.

**Mr. MacDonald:** I thought I brought it down with me, although I haven't got it here, but in the press release you put out with your annual report you spoke about the possibility of renewables making any sort of major contribution as being far, far away. That is a little out of sync with the kind of statements the minister is making.

**Mr. Macaulay:** Did we say "far, far away"?

**Mr. MacDonald:** Who has that press release? Why didn't I bring that down?

**Mr. Macaulay:** Doggone it, why don't I have it?

**Mr. Wildman:** Would one of those 85 people with the PR department here have it?

**Mr. MacDonald:** Far, far down the line.

**Mr. Macaulay:** Now, listen, Mr. Ruben and Miss Erins would be very unhappy, Mr. Wildman, if you suggested they were paid employees of Ontario Hydro.

**Mr. MacDonald:** May I say this in conclusion? One of the things which is in the terms of reference of the select committee—and I think it would be beneficial for everybody—is to explore the relationship between Hydro and government. So many other things have come into our agenda that we haven't come to it. There may be other events intervene, starting on Thursday night even.

**Mr. W. Newman:** You had five years to work on it.

**Mr. MacDonald:** We covered a lot of other things. We had a program and suddenly the Premier (Mr. Davis) decided we should take a look at the whole area of the uranium contracts, so we spent all our time on that.

**Mr. Macaulay:** Mr. MacDonald, I think could save you those hearings. The relationship is idyllic. We get along just like a house on fire.

**Mr. MacDonald:** I have just proved to night that it isn't as idyllic as you are claiming. Thank you, Mr. Chairman.



**Mr. Chairman:** Five more members have indicated they want to speak. I am not trying to cut you off. They are Mr. Johnson, Mr. Newman, Mr. Eaton, Mr. Ruston and Mr. Miller.

10 p.m.

**Mr. J. Johnson:** Thank you, Mr. Chairman. Mr. Macaulay, I would like to ask a few questions regarding Hydro. First of all, I would like to compliment you on your very wise decision to equalize rural Hydro rates for our constituents in the country.

**Mr. Macaulay:** Mr. Johnson, thank you for giving us credit for that, but I think it came from outside Hydro.

**Mr. W. Newman:** He wants to thank you for co-operating.

**Mr. J. Johnson:** Mr. Eaton paid credit where credit was due earlier, so I was just giving you an extra plug.

**Mr. Macaulay:** We appreciate that in advance. I think maybe you had better reserve the applause, though, until the outcome is a little more evident.

**Mr. J. Johnson:** If there is good news and bad news, that is the good news. I have a couple of questions I would like to ask you and one is in regard to the Limestone-Colbeck hydro transmission line, the new 500-kilovolt line. Mr. Gaunt mentioned earlier twinning the line. We had a 230. You would twin it with the 500. A couple of years ago this was brought up at the time they were working on it. In fact, they are still working on it. I asked the chairman of Hydro at that time, Mr. Robert Taylor, if there was any possibility of ever tripling that line. I was assured and it is recorded in Hansard there would be no possibility whatsoever of running a third line down from Bruce to Halton.

**Mr. Macaulay:** Mr. Campbell, would you like to respond? I do not know what you are talking about when you talk about a line that is already twinned. We do not have anything twinned with our 500-kilovolt line.

**Mr. Campbell:** We had two circuits on one line. It is a twin-circuit tie.

**Mr. J. Johnson:** Do you have a twin line from Colbeck to Limestone?

**Mr. Campbell:** There is also a 230-kilovolt line.

**Mr. J. Johnson:** You have 230 and 500. I was assured by Mr. Taylor there would be no possibility whatsoever of running a third line.

**Mr. Gordon:** As I indicated to you before, Mr. Johnson, I think it is highly unlikely we will be putting another line down that cor-

ridor. Part of it has to do with the fact that we will be going before an Environmental Assessment Board and that will be the route for the additional line out of Bruce. It will be given consideration by a number of bodies and authorities. As we said, and I am sure Mr. Taylor indicated the same thing to you, it is unlikely, in my view anyway, that we would be—

**Mr. J. Johnson:** I accepted the former chairman's opinion that there would be no reason to run another line down. I assured my constituents and I certainly hope that Hydro will stand behind the commitment of its former chairman.

**Mr. Macaulay:** I think that is a pretty safe prediction to make, Mr. Johnson. It is difficult for Hydro to make a categorical statement in a situation where it does not control the ultimate alignment of the line. There will be six moons in the sky before that ever happens, because we cannot say that. Certainly, going by the law of probabilities, I do not know how in the world anyone would ever decree there should be another line, side by side with that one.

**Mr. J. Johnson:** That is fair enough.

**Mr. Gordon:** But it is clear, Mr. Johnson, that we do require another line out of Bruce.

**Mr. J. Johnson:** Well, run it in some other direction but not that way—through Mr. Gaunt's—

**Mr. Gaunt:** Oh, no you don't.

**Mr. Macaulay:** We might take it up across Georgian Bay and along the north shore and down that way somewhere.

**Mr. J. Johnson:** As a matter of fact, Mr. Chairman, I have another line from Fergus to Guelph and another upgrading from Fergus across to Orangeville. We have enough in Wellington-Dufferin-Peel for the next 10 years, so stay out of that area.

**Mr. Eaton:** Can I ask a supplementary on that, Mr. Chairman? You are considering running a line across Lake Erie. Is there any possibility of running a line under Lake Huron, hooking in at Sarnia someplace to get it into western Ontario?

**Mr. Niitenberg:** The simple answer is no. Underwater cable of that capacity and length is technically a very complex undertaking. The Lake Erie crossing would be the longest in North America, so the links you are talking about would exceed present technology and the cost would be extremely high.

**Mr. J. Johnson:** Mr. Macaulay, back in relation to the present line that was stalled

at Halton's border for some time and is now advancing, we have gone through four to five years' delay in running this line. A lot of it is due to legal expropriation and so on. I personally have the feeling that many of the land owners—I should not say maybe they were not treated fairly, but certainly there was a lack of communication somewhere along the line. Considering the amount of money we are paying lawyers and legal personnel representing both parties, I think if we gave the land owners a little extra compensation in the first place we would create better feelings for Hydro, for the province and for everybody concerned. The only people who would not benefit would be the legal profession and, quite frankly, I do not have too much sympathy for them.

**Mr. Macaulay:** I think the minister should be allowed to respond to that.

**Hon. Mr. Welch:** A conflict of interest here.

**Mr. J. Johnson:** I think we have a willing buyer and a willing seller, there is no problem. But where we need, for the people of Ontario, to obtain a parcel of land, whether for highway or for transmission corridors, I believe people are entitled not only to a fair market value but to something extra for the inconvenience they suffer. I realize there is something built into it, but I maintain that is not sufficient. It should be a higher amount. I do not know how to come up with the figure it should be, but I do feel, when you are taking away land owned by people for a century, sometimes the dollar value is just not enough.

If we do have to equate it with dollars, then surely we should err on the side of being a little more generous. We would certainly save in terms of lawsuits and the problems that result. I speak on behalf of the many constituents I have dealt with. I truly think we should take a careful look at the procedure we have gone through in the past few years.

**Mr. Macaulay:** I think it is safe to say, Mr. Johnson, that we learned a great deal over those years. Nobody likes to be required to enter into negotiations to dispose of his land if he does not want to. Consequently it provides an atmosphere for those discussions and negotiations that presents some real difficulty. We are hopeful that, speaking of this particular line you are referring to, that is, the second line out of Bruce, the process of environmental assessment and all the information procedures

involved in that will permit those who have some involvement to understand what is going on and will help us all in understanding what is an equitable arrangement.

It is, of course, necessary for the process of environmental assessment to take place before the ultimate negotiations. It may well be, as we move into the environmental assessment, attitudes will be reformed and changed and modified by subsequent selection of the ultimate route. The assessment itself will look at a number of different alternatives and it may be that you line in one route and out of another route. My attitude changes pretty quickly depending on what the decision is at that time.

Certainly Hydro has developed a degree of sensitivity, call it scar tissue if you like, as a result of circumstances over recent years. We are going to make some mistakes and be sorry that we did, but we are going to make fewer mistakes. I hope we are going to do a good job for all the people of Ontario because it is your money and mine, individually or collectively, we are spending when we compensate those farmers.

**10:10 p.m.**

**Mr. J. Johnson:** I agree entirely, but there are two points I would like to make.

Mr. Gaunt mentioned the number of people that you have in PR, and I think 85 was a figure thrown out. I think possibly some of these people should be trained in negotiations with, let's call them, rural people, involving hydro purchases.

**Mr. Macaulay:** Some of them are. Mr. MacCarthy, who is here tonight and who has the responsibility in this area, could talk a some length, but there isn't time. Some of them are involved and increasingly involved in just that area of activity. That is evidence of what I was speaking of a minute ago.

**Mr. J. Johnson:** I accept that.

The other point I would like to make is that you mentioned that we are using Ontario money to purchase this land. I maintain that if all Ontario benefits from hydro corridors then all of Ontario should be willing to chip in and pay the cost to the people who are affected by the transmission corridors.

I would like to compliment you on your article appearing in *Electricity*, on March 3 "Ontario Hydro earned more than \$155 million from power export sales to the United States utilities last year." Then you go on to state: "The fact is more than 95 per cent of the power it exports is produced from United States coal. Ontario is importing raw resource, coal, and selling it back as

finished product, electricity." I am sure the NDP would fully support this program. "The revenue helps pay for the American coal Hydro purchases to meet Ontario needs and offsets some of its power production costs."

Mr. Macaulay, I congratulate you on this statement. I think it is the type of program we should be following through on. If we have natural resources the Americans want that we are not using and we can sell them a finished product, that is excellent. You deserve the congratulations of most of the members of this House. Some of them won't agree.

Mr. Macaulay: Thank you. I don't take any credit for that, but the 28,000 people of Hydro deserve a great deal of credit for it and I will be glad to convey to them your comments.

Mr. Wildman: Excuse me, have you calculated the effect on the northern Ontario tourist outfitters of the effects of acid rain?

Mr. J. Johnson: If we can buy the northern Ontario coal we will be glad to—

Mr. Wildman: No, no.

Mr. J. Johnson: The problem then is you will say we are selling it to the United States for nothing.

I would like to make one more comment and this is in relation to nuclear power. I am fully in support of nuclear power. I feel quite strongly that there is a lack of information available on nuclear. We are concerned about the Three Mile Island near-tragedy, yet a few weeks ago there was an offshore disaster in Norway in which 50 to 60 oil drillers were killed. We have the Springhill, Nova Scotia, coal miners who perished a few years ago. We have in England and Wales the tragedy of the slag heap sliding down on the school and smothering the children there. In every source of energy we deal with, whether it's coal, oil or whatever, there is tragedy and concern.

Uranium is not any more of a concern than any of the other situations. It is a perceived concern, but the problem is these others have already shown that they can create disaster. I think sometimes we go off on a tangent and we start becoming so concerned about some of the problems relating to the perceived problem that we forget about the real problems existing today.

I fully support the statements of the Premier (Mr. Davis) and the Minister of Energy (Mr. Welch) in support of nuclear power.

Mr. W. Newman: Mr. Chairman, I have a series of questions and comments which I

would like to ask Mr. Macaulay or the minister to comment on.

I know we have had a special select committee under the very able leadership of Mr. MacDonald going on now four or five years—something like that—a long time. I read the newspapers each day and watch the news at night when I get an opportunity, and I look at the total world situation we are faced with in energy. We are looking at a very explosive situation in the Middle East right now.

I don't want to go on at great length, but here we have in Ontario a potential to produce energy by means of electric power through our Candu reactor which I think is probably proving one of the safest and best ways to produce electrical power in the world. Here we are sitting here asking for environmental safeguards—and they are fine; you have agreed to those—but we have a source of energy within our grasp right now and we are talking about what is going to happen with world supplies of oil, and how we are going to carry on, and climbing prices—I'm mixing maybe provincial with federal, but I think we are talking about a global situation.

I was the member who represented the riding at the time when Ontario's first nuclear plant, Pickering A, was built and was there when Pickering B was discussed and going to be built. I think the people living in that area, with the exception of some of the tactics that have been used, are by and large not afraid of that plant. I used to live within a mile of it myself. I didn't move because I was afraid of the plant. I moved because I happen to be a real farmer, Mr. MacDonald, and I moved back into the rural areas of the same township.

I guess what I am saying is that we are talking about producing electricity. You stopped advertising electric heating for homes because you want to conserve electricity. There is no way that we know of to store it in any great quantities at this time. I would like to ask if you are doing any research in that field.

Mr. Macaulay: Storing electricity?

Mr. W. Newman: Yes, storing electrical power.

Mr. Macaulay: Once you make it it's gone.

Mr. W. Newman: Exactly. But has any research been done in any way, shape or form into storing this power?

Mr. Macaulay: Well, maybe in the battery field.



**Mr. W. Newman:** I know, on a limited scale, but on any major scale?

**Mr. Niitenberg:** The technology that's available for "storage of electricity" would be a pump storage scheme. We are investigating the possibility of adding that into the mix of generation. Under that we could use off-peak energy and retain or pump water into a pond which could be used then at the time of peak. You are not storing electricity but you are storing energy that can be converted to electricity.

**Mr. Campbell:** In fact, we have such a scheme in Niagara Falls today.

**Hon. Mr. Welch:** This may not be right on the point but perhaps it does provide an opportunity, in keeping with the spirit of my colleagues' comments in so far as the role of electricity is concerned and taking advantage of this so far as our energy future is concerned. I was going to share with members of the committee that the Canadian Manufacturers Association and other groups within our provincial industry family are going to sponsor an electricity conference in Toronto in October which will be supported by the Ministry of Industry and Tourism and by the Ministry of Energy. The conference is really designed to bring together representatives from the provincial, national and international scenes to discuss the role of electricity as a very vital part of the economy of Ontario.

A major theme of the conference will be the role that electricity can play in achieving greater energy security in Ontario. One issue will be the substitution of electricity for crude oil in heating and transportation and in industry and other areas. Another issue, equally as important, is the supply of steam to industry as a byproduct of electrical generation.

So we are going to invite a fairly wide-ranging discussion on the role of electricity in Ontario's industrial strategy and, as honourable members have said already tonight, the public's need for some information concerning the economic costs and the environmental impact and safety of electricity. The planning is under way now for this conference in October here in the province and I think it will speak to many of the interests that the honourable member has just mentioned.

10:20 p.m.

I want some direction, Mr. Chairman. As you know, the member for Carleton Place (Ms. Gigantes) has gone to prepare for an adjournment debate on some answer I gave in the House. If these estimates could be

completed by about 10:28 so that I could rush to my seat to be there to account to the member, I would be obliged.

**Mr. W. Newman:** Mr. Chairman, I haven't quite finished yet. I am sorry, but I gave you my name fairly early in the evening. That is fair enough. Everybody is entitled to have his say. I wanted to talk either to the minister or Mr. Macaulay about the exporting of cars.

**Mr. Eaton:** Could I ask one supplementary? You have off-peak-hour use with some industries. What about the possibility of individual use for off-peak loads? In other words, if I am using electricity for drying grain or something on my farm, is there any idea of a different way of monitoring it so that if I am using hydro-electric power from nine in the evening to six in the morning I could get a cheaper rate?

**Mr. Macaulay:** Could you say something, Mr. Gordon, about time-of-use rates? Maybe this is an appropriate moment to introduce this.

**Mr. Gordon:** This was one of the strong recommendations that came out of the hearing on electricity costing and pricing by the Ontario Energy Board. At the present time, Hydro is reviewing those recommendations. It is likely that the implementation at the wholesale level will take place probably with the 1982 rate.

**Mr. Eaton:** You are talking about the wholesale level. I am talking of my own individual operation. Is there any way you can put any device on my meter to know I am using it between nine in the evening and six in the morning? Is that a simple thing to do? Is it an easy conversion, a \$100 conversion that could go on my meter, or what?

**Hon. Mr. Welch:** Excuse me, Mr. Eaton. Would the members of the committee excuse me to go to the House?

**Mr. Eaton:** We don't need you to answer these things, Mr. Minister. You are excused.

**Mr. Gordon:** I was going to say, Mr. Eaton, that it will apply to the wholesale system first and then there will be rate structures that will develop to take that through to retail rates, both in the municipalities and out in the rural.

**Mr. Eaton:** We are not dealing on a wholesale basis; we are dealing directly with Ontario Hydro. That has been our problem in rural Ontario for a number of years.

**Mr. Macaulay:** Wait a minute.

**Mr. Eaton:** The local village gets it cheaper than we do. We are finally coming around

to getting it close to the same rate. Now you are saying that if the village can use it at the peak hours more cheaply they are going to get a cheaper rate again, but if I do that at the low hours you can't do anything.

**Mr. Macaulay:** No, that is not what the president is saying. Let him finish.

**Mr. Gordon:** It will apply to our wholesale billing, and there is a wholesale billing also to the rural system. It buys power from Ontario Hydro wholesale and retails it. We will have to apply that basis of billing at the wholesale level before we end up with rate structures and conditions of service that will apply at the retail level. It will be several years off before that takes place.

**Mr. Eaton:** If you are saying we are getting hydro in rural Ontario at wholesale prices, our wholesale is cheaper than what the consumer is getting it at retail.

**Mr. Gordon:** I am not saying that.

**Mr. McKessock:** Could you put a timer with a recorder on each individual farm and let it that way?

**Mr. Gordon:** Yes. There will be a type of metering that will differentiate between what you do in the day and what you do in the night.

**Mr. Eaton:** Is that available now for individual operations?

**Mr. Gordon:** Not at the present time in Ontario.

**Mr. J. Johnson:** Is it in the planning stages?

**Mr. Gordon:** Yes. As I indicated, this was one of the recommendations that came out of the Ontario Energy Board. Hydro will be considering those recommendations.

**Mr. Eaton:** How soon can I look to have a meter on my farm that will give me a cheaper rate for what I use between nine in the evening and six in the morning?

**Mr. Gordon:** I would say it is maybe three years off.

**Mr. Eaton:** That is not bad. I am going to keep a record of that.

**Mr. W. Newman:** Mr. Chairman, that was supplementary question asked by my colleague. I hadn't quite finished yet. I would like to ask the chairman of Ontario Hydro—maybe he can't answer this without the minister here, but we have talked about it for a long time—whether we export the raw material to the United States to produce power for its own use or whether we produce the power here with our own materials and export the power. Otherwise we create new jobs, we keep the technology which we

have here, and I think Ontario Hydro has tremendous technology in the nuclear field.

I hate to see that lost. I don't want to go back in history and refer to a federal Tory government that scrapped a certain aircraft; I wouldn't want to do that. But I just point out that we do have the expertise, the technology is here, and it would be a crime to lose that by exporting the raw material to produce the power, primarily in the United States but also in other parts of the world, when we could be producing it here with nuclear energy and exporting that power to the United States.

I would like to ask your opinion on it. I happen to believe that if we've got the raw materials here and we could sell power and make a profit, we should do it here rather than export the raw material for them to use for their nuclear reactors down the road. We have to look down the road with the supplies that we have here.

We have a lot of low-grade uranium here that has not even been touched; it is sitting in the ground at this point. Probably, this will eventually be needed and I would like to ask your opinion on what you think we should be doing in that particular area in Ontario.

**Mr. Macaulay:** As you know, the government has indicated that in principle it supports the export of electricity and it has instructed Hydro to proceed within the limits that currently exist in terms of practicality, legislation, requirements of the province and so on.

What you are talking about is, as you probably know, the fact that the bulk of our exports, in fact all our exports, are interruptible. We do not have long-term contracts. You are talking about firm contracts and I think that is likely to emerge, if it does emerge, as a facet of government policy to which Hydro would respond. It is unlikely to be an area in which Hydro would originate policy in view of the implications of it for the province.

**Mr. MacDonald:** Darcy said, "No, a thousand times, no."

**Mr. W. Newman:** Well, that may be true, but I would like to pursue it.

**Mr. Macaulay:** I thought Darcy said, "Yes, a thousand times, yes."

**Mr. MacDonald:** Darcy said, "Not production of power for purposes of export, not the building of plants for purposes of export."

**Mr. Macaulay:** Not a dedicated generation station?

**Mr. W. Newman:** Mr. Chairman, maybe accepting what Mr. MacDonald said tonight

about nuclear power and the Darlington generating station, and that when it comes on stream—I think you said in 1991, is that correct?—

**Mr. Macaulay:** Well, 1988 to 1991.

**Mr. W. Newman:** All right—there will be a surplus of power at that particular time, what will be the potential possibility of getting firm contracts for selling that power? You would probably get a higher rate for it, I assume, if you had a firm contract at that time, thus keeping our technology in this country. I would hate to see us lose it.

**Mr. Niitenberg:** The Darlington schedule was revised and Darlington was pushed forward into the future as far as possible, in order to reduce capacity and balance the economics. So the maximum excess capacity will exist between 1982 and about 1990. This is why we are actively pursuing exports in that time period, which then would come off our system.

As was mentioned previously, the cheaper nuclear power would go to meet Ontario's needs, the needs of our own customers, and then the next-higher-cost power would be exported.

**Mr. W. Newman:** Is it a fair question to ask then—I'm trying to move along quickly because of the time frame—that even with nuclear power here in Ontario, some are talking about ratios and the amount of nuclear power as compared to other kinds of power in the province, even if we use nuclear power to create electricity we would still have a rate of probably less than half that of New York state at the present time?

**Mr. Macaulay:** No; but, Mr. Chairman, I have some comparisons or some statistics. Perhaps Mr. Chandler wouldn't mind giving us the benefit of some current experiences with respect to New York state and New York city and other adjacent jurisdictions.

**Mr. W. Newman:** I'm not asking about the present rates, because I know there is a big differential. I'm saying if we continue to expand our nuclear power so we don't lose that technology, will we still have the same differential in price for power as we have today? I don't know exactly what those figures are. I remember seeing them.

10:30 p.m.

**Mr. Niitenberg:** I can't answer the question in absolute terms, but in relative terms, if the proposed delivery of power to General Public Utilities was made from nuclear sources, the return to Ontario Hydro and the reduction in our customer bill that would be provided by exports would be consider-

ably higher than using it from coal-fired energy.

**Mr. Macaulay:** Bud, how do we compare to New York now?

**Mr. Chandler:** These are residential rates. They are about three cents in the city of Toronto and about four cents in the rural areas; the city of Detroit is about six cents a kilowatt hour, Buffalo about five cents, Syracuse about five cents, New York city about 12 cents. So we are about four to one compared to New York city and two to one compared to Buffalo.

**Mr. Chairman:** Are you finished questioning, Mr. Newman?

**Mr. W. Newman:** Not really, Mr. Chairman. If you are going to continue, I have several other questions, but I don't know whether we are going to go past 10:30 or not.

**Mr. Chairman:** I would like to give these men an opportunity, since they have waited.

**Mr. Ruston:** I just had one thing, if you wanted to take it. I would just like to ask about a power line.

**Mr. Chairman:** We can continue for another five minutes. I want to be fair to everybody. You have all indicated you want to speak.

**Mr. Ruston:** There is a proposed power line in our area, Mr. Chairman, and the cost of the proposal is \$15 million for power to go from the main lines into Leamington. The farmers are not objecting to a line. They realize the power has to go there and they want to co-operate because they know Leamington needs more power. The problem is, the estimated cost is \$15 million for towers and it would cost \$2 million more to put in what they call steel poles, which, of course, you can just work around.

I am wondering, when you figure that it about 13 or 14 per cent more to build it with steel poles than with steel towers, it seems to me you would be destroying less land and you would also be saving work for the farmer. These towers are very hard to work around, because they are spread out about 14 feet or something, and with the big machinery it is very difficult. The Ontario Federation of Agriculture and the farmers in the area really feel that the single pole would be much more efficient for working around. I realize it would cost a little more money, but if that pole is going to be there over a period of 50 years or so it seems to me that it really wouldn't cost any more over that period of time.



**Mr. Campbell:** I am a little surprised that the additional cost would only be \$2 million.

**Mr. Ruston:** That is the estimated cost.

**Mr. Campbell:** Was this for poles rather than the towers for the entire line?

**Mr. Ruston:** That's right.

**Mr. Macaulay:** I saw some numbers within the last couple of days on that very item, and I wonder if we could be permitted, Mr. Chairman, to obtain that information for the member—

**Mr. Ruston:** That would be fine.

**Mr. Macaulay:** —and respond to it, because I don't want to suggest there is anything erroneous in what you have just said, sir, but my hazy recollection is there were some other numbers involved.

**Mr. Ruston:** I must admit I followed all of them. I got the notices of all the meetings, and they had a number of meetings with the people in the area, but I couldn't get to any of them because of being tied up here at different times. That information was what I took out of the press and I assumed—

**Mr. Campbell:** Just very approximately, steel-pole lines cost about 30 to 40 per cent, perhaps 40 per cent more than lattice towers.

**Mr. Ruston:** That is what I took out of the press.

**Mr. Campbell:** We will look into that and we will be in touch.

**Mr. Macaulay:** Is that taking into consideration the amount of land taken?

**Mr. Campbell:** That is just the cost of the structure, getting the structure in place and getting it strung.

**Mr. Macaulay:** It doesn't factor the lost and that—

**Mr. Campbell:** No, and the main reason for the steel that is in the pole is about twice the amount of steel that is in the lattice tower.

**Mr. Ruston:** That is understandable, yes.

**Mr. Campbell:** Then, of course, the foundation itself would have to be made pretty substantial. There are problems, too, with the land, because when you go in you have to take a lot of heavy equipment on the land and to put in these steel poles. The premium is more than I think is suggested. We will look into that.

**Mr. Macaulay:** Mr. Chairman, we will respond.

**Mr. G. I. Miller:** In connection with the one you are planning to put across Lake Erie, what is the cost of the line? Have you any estimates on that at the present time?

**Mr. Niitenberg:** The capital cost?

**Mr. G. I. Miller:** Yes.

**Mr. Niitenberg:** The most probable figure is somewhere around \$500 million for that line.

**Mr. G. I. Miller:** That only takes 1,000 megawatts, does it?

**Mr. Niitenberg:** Yes.

**Mr. G. I. Miller:** A thousand megawatts, which would be 25 per cent of the Nanticoke generating station?

**Mr. Niitenberg:** Approximately, yes.

**Mr. G. I. Miller:** What does a generating station cost?

**Mr. Campbell:** About \$800 million.

**Mr. G. I. Miller:** Can you justify that expenditure by—

**Mr. Niitenberg:** Under the present conditions of sale, in terms of both capacity and energy, that line will pay for itself in a matter of about three years.

**Mr. Macaulay:** Or half.

**Mr. Niitenberg:** Or half, yes.

**Mr. MacDonald:** Will it be financed by the American consumer, the American purchaser?

**Mr. Niitenberg:** The present plans being looked at are that each party pay for half of the interconnection. This is in line with the way other interconnections have been built between Michigan and New York and between Manitoba and Quebec and Ontario. We would pay for one half and we would reclaim that cost in capacity charges, energy sales and profits. It has a very short-term write-off.

**Mr. Campbell:** Our present interconnections that have been built across are built on that basis, that the United States company pays half and we pay half.

**Mr. G. I. Miller:** At the present time you have outlets at Niagara Falls and in Windsor?

**Mr. Campbell:** Yes.

**Mr. Niitenberg:** And at Sarnia.

**Mr. G. I. Miller:** Are they going to utilize the capacity now?

**Mr. Campbell:** The answer is yes. Generally to capacity.

**Mr. G. I. Miller:** How would you install that? Would it be a buried line in the lake, or would it just be laid on the bottom?

**Mr. Niitenberg:** It is expected to be a buried line, at least a portion of it. For this reason we need some data on the lake bottom. That is the first phase, even to

decide on what technology would be involved. Right now we are thinking in terms of five parallel cables.

**Mr. Wildman:** I have a short question. Perhaps the Hydro people cannot answer it. Maybe only the minister can answer it.

In the announcement made about the study of rural rates by the Premier, in terms of Hydro's differential, I wonder whether that is going to cover other private utilities, such as Great Lakes Power Corporation Limited in my area. We have experienced an increase from 1978 to 1980 in our area of 13 to 18.5 per cent. Their charges now, in 1980, are slightly higher to the consumer than are Hydro's.

I wonder if whatever studies are done on lowering the differential between the cost of Hydro's electric power to the consumer in rural as opposed to urban Ontario are going to cover other utilities and substantial areas of the province that Hydro does not cover.

**Mr. Macaulay:** I do not know the answer to that question. How are their rates determined or regulated?

**Mr. Wildman:** They are not. If they purchase power from Hydro, they cannot charge more than Hydro would charge. But that's it. That is the only regulation, as far as I understand it.

**Mr. Macaulay:** Do we have any regulatory responsibilities?

**Mr. Gordon:** We approve the rates they charge to their customers.

**Mr. Wildman:** If the power is purchased from you.

**Mr. Gordon:** They purchase power from us.

**Mr. Wildman:** That's right. But they also generate most of their own power. When their new station is complete, they will be generating 80 per cent of their own power.

**Mr. Macaulay:** Do we have regulatory responsibility for what they generate themselves?

**Mr. Gordon:** We have regulatory authority over the rates they charge to their customers: the wholesale rate to the city of Sault Ste. Marie, their industrial customers, and, I am pretty sure, their other customers as well.

**Mr. Wildman:** That's interesting. Two years ago I asked that question in these estimates and nobody could tell me who regulates them, including the people from Hydro.

**Mr. Gordon:** Maybe I had better double-check on that and let you know, but I think I am right.

**Mr. Macaulay:** Would it not be fair to suggest, Mr. Gordon, that whatever principles are likely to emerge from this initiative on the part of the government for closing the gap between rural rates and municipal rates are likely to emerge in the rates of other utilities?

**Mr. MacDonald:** Particularly with a view to regulatory power.

**Mr. Wildman:** If they do. That's a big "if." That is not quite what I was told before. I would like you to check that out, if you could.

**Mr. McKessock:** On that point of closing the gap between rural and urban rates, I wrote you a letter, Mr. Macaulay, some time ago, pertaining to the cost of the big power lines down to the city. I don't feel justified that all those capital costs are put in there and then we talk about the capital costs for the farm being more. I think that capital costs for these big power lines coming to the cities must far outweigh the capital costs in the rural area.

**Mr. Macaulay:** I think it is important to understand how the rural rates are arrived at. Since I am a rural customer I have made a personal study of it. I can assure you that the costs currently, under the current rate setting process, the rates that are charged current customers reflect the retail distribution of electricity in those rural areas. That is not related to the sharing of costs of high voltage lines that pass about the country side getting electricity from one point to another. That is a capital cost which we all share.

**Mr. McKessock:** My point is I am not sure the rural customers should be sharing all of that high capital cost, because I don't think they are using as much of it as the urban user is.

**Mr. Macaulay:** I have a lot of personal sympathy for your point of view. I am not sure I could support it in terms of rate setting.

**Mr. McKessock:** I just thought it might help you as one argument when you are trying to narrow that gap.

**Mr. Chairman:** That completes the estimates of the Ministry of Energy.

The committee adjourned at 10:42 p.m.

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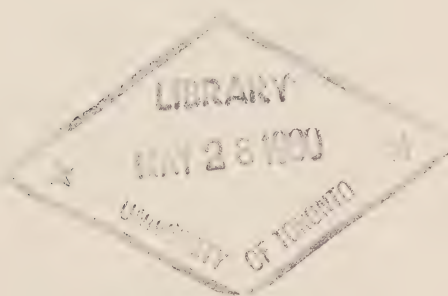


No. R-10

# Legislature of Ontario Debates

## Official Report (Hansard)

**Standing Committee on Resources Development**  
Estimates, Ministry of Transportation and Communications



**Fourth Session, 31st Parliament**  
Wednesday, April 30, 1980

Speaker: Honourable John E. Stokes  
Clerk: Roderick Lewis, QC

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# LEGISLATURE OF ONTARIO

## STANDING COMMITTEE ON RESOURCES DEVELOPMENT

WEDNESDAY, APRIL 30, 1980

The committee met at 10:08 a.m. in committee room No. 2.

### ESTIMATES, MINISTRY OF TRANSPORTATION AND COMMUNICATIONS

**Mr. Chairman:** The committee will come to order. It is customary to have the minister make a statement. Mr. Minister, may we hear from you?

**Hon. Mr. Snow:** Thank you very much, Mr. Chairman. I am very happy to have an opportunity to lead off the discussion which opens the Ministry of Transportation and Communications estimates for the 1980-81 fiscal year. These discussions are both timely and essential as we commit ourselves to what promises to be a very dynamic and a very demanding decade ahead of us. It is the fifth year that I have had the opportunity to be here—you have been here as chairman for most of them, if not all—to discuss the estimates of the Ministry of Transportation and Communications with the committee.

This ministry is pursuing the broadest possible role for transportation and communications in the province, a sphere of interest and influence which includes all modes of transportation and communications, air, water, rail, telecommunications, urban transit, commuter services and, of course, our highway system and the vehicles which use it.

In more specific terms, I see a number of opportunities and challenging issues as we enter the 1980s.

First, it is quite conceivable that Ontario will be recognized as a world leader in urban transit and commuter development, and as a province that can build on the basic transit activities of the 1970s. I foresee more efficient multimodal freight transportation systems which better serve Ontario's manufacturing base. I predict the continuing development of our highway system, further enhancing the competitive position of our industrial and manufacturing base.

I also feel that with the assistance of advanced computer technology we will increase the efficiency of not only the munic-

ipal road systems but the transit systems operating on those roads. The growth of information technology, services and industries will provide vital boosts for both our technological and cultural sovereignty.

10:10 a.m.

However, despite such personal optimism, these demanding challenges won't be easily realized in the 1980s, because in real terms this ministry's expenditures have been declining. Still, we have achieved a great deal at a time when we have been called on to diversify our programs, to support urban public transportation, commuter services and other transportation and communications initiatives.

The economic problems of the 1970s pressured us to do what had to be done with fewer resources, and the uncertain prospects of the early 1980s could lead to a presumption that a further squeeze on capital expenditures can be expected. Just the same, I am confident the ministry can address its responsibilities effectively and achieve the maximum benefit for every dollar spent.

Among the critical initiatives the ministry will deal with during the 1980s will be the Hamilton intermediate capacity transit system project, in which the Urban Transportation Development Corporation's technology will be applied in Hamilton. The vital decisions which ensured that our urban areas would be primarily for people were made in the 1970s, and the Hamilton project is but one addition to the massive investments already made in support of urban transit in Ontario.

I am convinced it is that kind of foresight—planning for the future if you will—which will guarantee that the citizens of Hamilton and its environs will have a first-rate transit system in place before expanding population numbers demand it. That is good for the Ontario economy, which should be good for everybody's business.

Another way to ensure that the economy gets a leg up is to determine how to best use all the transportation tools available. Here, staff studies have indicated that we should



take a long, hard look at both the Great Lakes-Seaway system and the rail network which sustain our manufacturing, mining, logging and industrial heartlands. This will be done at a time when the cost and availability of oil-related energy could be a major strain on the Ontario economy.

A long, hard look must, I believe, include private citizens, representatives of industry and regional governments and Ontario deputy ministers. To this end, a task force under the chairmanship of Mr. Ralph Misener will review the potential of water transport on our Great Lakes and the Seaway systems.

As you all know, the other task force has been created under the chairmanship of Margaret Scrivener to review the potential of rail transport in the province. One is complementary to the other, and both have virtually the same mandate, to ensure that both systems work to our best advantage.

The possible electrification of the GO train system demands the ministry's consideration. I must add, the fact that we can even consider such an initiative reflects the value of Ontario's investment in electrical generating capacity.

There is also the search for alternative fuels—such as hydrogen, methanol and propane—and, of course, energy conservation. While MTC is not necessarily the lead ministry in this critical area, we do have a very significant role to play.

One area of exceptional importance is energy used in transportation and here we have introduced a number of measures to improve the security of Ontario's energy supply, such as car and van pooling, synthetic liquid fuel research, a methanol feasibility project, and the use of natural gas and electricity as substitutes for petroleum.

Most of these programs or projects are being pursued under the auspices of the joint Ministry of Energy and MTC Transportation Energy Management Program, commonly referred to as TEMP, all part of Energy Ontario.

Also, in connection with GO Transit, I would like to point out that last November I asked Mr. Gilbert to undertake a review of the administrative roles and responsibilities of the Toronto Area Transit Operating Authority, known as TATOA. I now have that report and I can say that it confirms TATOA's role but proposes some legislative changes which would ensure the agency will be even more effective in the 1980's, changes which will be considered in legislation this autumn.

In another area, MTC has recently established a special office to deal with the movement of hazardous goods. Working with other

provincial ministries, we are moving towards a provincial position vis-à-vis the proposed national Code of Regulation for the Transportation of Dangerous Goods.

The new Export Development Corporation announced in the throne speech will be concentrating on development of export markets for three sectors in which we have a direct interest—transit, communications services and telecommunications systems. It is anticipated, for example, that communications will reduce much business travel, thus replacing energy-intensive transportation with energy-efficient and highly cost effective communications links. MTC is striving towards further policy development in these areas over the next one to two years. We are also seeking to ensure that the use of satellite communications and other forms of new technologies link vast parts of Ontario in the information community in the 1980s.

In general terms, the ministry is playing an increasingly important advocacy role in the regulatory sphere during its representations before the Canadian Radio-television and Telecommunications Commission. For example we are making a major submission at hearings on pay TV and the extension of services to northern and remote communities.

We are also represented on the CRTC hearing panel where we submitted a major brief for improving service throughout the province. The brief was widely hailed in northern Ontario as the solution to their entertainment and information needs.

We will also be conducting an intervention on the matter of the upcoming Bell Canada rate increase hearings.

In addition, MTC is working with Industry and Tourism and private sector experts on a computer chip and microelectronic technology task force to ensure optimum benefit for the industries and people of Ontario in this increasingly important area.

If the Ministry of Industry and Tourism has the key role in developing approaches to ensure the long-term health of the auto industry in relation to the auto pact, MTC has participated most actively in this policy development, process advising on the kind of vehicles likely to be used over the next 20 years, including auto, truck, bus, rail and air options. This is no small task, I can assure you.

Summing up, many of these issues are more comprehensively described in our Strategic Planning Guidelines, a document which expresses the ministry's intentions and directions for fulfilling our mandate over a five year period. Although they are primarily used to provide background for all staff

the ministry, they have been tabled along with its companion document, the Ministry Position and Prospects Summary, as part of the estimates briefing material.

Our intent is to provide all committee members with a concise understanding of the responsibilities and operations of the ministry and its programs. The position and prospects summary contains assessments of the present and future prospects of the ministry and its programs and provide the background from which the guidelines were developed.

Again, I want to stress that both the guidelines and the summary refer to the planning period commencing April 1, 1981, not the current fiscal year which we will be examining in these estimates. That concludes my remarks. I am now prepared to discuss any issue or matter concerning the ministry and its associated programs.

**Mr. Cunningham:** Mr. Chairman, I welcome this annual analysis of the ministry's budget. At first glance, one must conclude that the financial aspects of the MTC budget are in order and that the minister and his staff are at least making a genuine effort to keep costs down in this very important ministry and at the same time are making a real effort to attempt to obtain value for the taxpayers' dollars. With few exceptions I believe that value is obtained. The exception, in my view of course, is money that is allocated to the Urban Transportation Development Corporation and we will discuss that in some detail later in the estimates.

Before I get into more detail I would like, for the record—and I didn't anticipate his presence here today—to wish Assistant Deputy Minister Bob Humphries a happy retirement. Mr. Humphries and I, during the course of I don't know how many estimates and on other occasions, haven't necessarily always been in agreement on matters relating to philosophy. But one of the more enjoyable aspects of dealing with this gentleman is that once your discussion or argument has concluded, it has concluded.

I think Mr. Humphries has served the people of Ontario through both a Liberal government a long time ago—too long ago—and a Conservative government. He has served the public extremely well and I do wish him a very happy retirement.

10:20 a.m.

In previous estimates I have spent too much of our 20 hours discussing matters that are extremely technical and may be of interest primarily to myself and the minister and maybe Mr. Philip. I refer now to UT-

DC and Ontario Highway Transport Board matters. Sometimes we have done this at the expense of discussion on long-term strategy or the major programs that are contained in, say, the provincial or municipal roads program, in so far as roughly 70 per cent of the minister's budget is in those areas.

I think on this occasion there should be more discussion by other members on those topics as well. I will try to restrain myself from getting involved in long, detailed and complicated discussions with regard to those topics.

Last week we did discuss in some detail the report of this committee chaired by you, Mr. Chairman, on the subject of some impropriety at the highway transport board. It was debated in some detail. Frankly, there was no requirement on my part that the report be debated and procedurally I still don't know why it was. Nevertheless, I regard the matter concluded.

I would say in passing I think that matter, as unfortunate as it may be, could have been handled much more efficiently and much more expeditiously if the Attorney General had looked into it in the first place. The direction we took to bring the matter before this committee was taken with great reluctance and only after I and members of my caucus, and I believe the critic for the NDP, were convinced that the matter was being somewhat cursorily shoved under the rug. If anything, that stimulated us, in a way, to see the matter brought before the attention of this committee. To that end I would lay some blame on the Attorney General for not being as diligent in the exercise of his responsibilities as he could have been.

Safety on our highways remains a major concern for all members of the assembly. As a member travelling roughly 60,000 kilometres per year, a large proportion of that on the Queen Elizabeth Way, I am particularly concerned about what I regard to be a deterioration in our safety situation. I am reluctant to lay blame—I don't think that serves any purpose—but I would observe that there are a number of cars on our highways that shouldn't be on our highways and a number of drivers who shouldn't be on our highways. More often than not, those cars and those drivers are proximate. That makes for an awful combination. I see more and more muscle cars on the highway. I wish the minister would take some action on those vehicles. Most of them are designed for speed and rapid acceleration and serve no purpose on our highways today.



There was a terrible tragedy in this city about a week ago, in which a 72-year-old woman was literally mowed down as the result of a drag race. I know no legislation we pass will eliminate that kind of thoughtlessness, but at the same time I would have to think those cars—I don't know for sure—were probably designed for drag racing purposes or souped up in some manner. I would think now is the time, as we enter the 1980s, to direct some re-emphasis on safety in vehicles.

I would respectfully suggest that we make some amendments to the Highway Traffic Act to provide for the mandatory annual inspection of vehicles on our roads. We require it now for buses and we require it for trucks, and I think there should be the same obligation for a small Datsun or an Oldsmobile, or even the minister's car for that matter—made, I imagine in his own riding, and I am sure it is extremely safe. I think there are a number of vehicles that possibly would be all right to get back and forth to the supermarket, but if they were called upon to make a sudden stop or swerve to avoid somebody they may not be able to respond mechanically.

I think we should follow the example of New York state, where they require a mandatory inspection once per year. I don't think we have to go as far as Massachusetts, where it is done once every six months. That certainly would be a step in the right direction and would focus some attention by the driver on even potential problems within the vehicle itself.

I know some people will say: "We don't want any more regulation in this province. We have a lot of regulation," and I agree. It remains our task to sort out the ones that are significant and attempt to bring in some reforms where necessary, but I do sincerely believe that is one direction we could take that would help us. I think it can actually be a saving to the consumer and to the driving public.

When you take your vehicle in for its mandatory inspection—which I would suggest should be phased over 12 months, as I believe your plate issuance should be done—the registered garage could at the same time say: "I can put a sticker on this and it's all right. You are going to have some problems with your front right bearing," or whatever the problem may be, and it may in time save the consumer some money.

On the subject of travel on the highway, between Hamilton and Toronto there seems to be an inordinate amount of scrap and junk

along the side of the road. I hope our inspection forces would renew their interest in taking a special look at the scrap trucks and the covering of these vehicles. For the most part, a number of them are fairly safe, but all you need is one piece of metal to fall off at a busy time on that highway and you can create havoc. I imagine we have a number of accidents every year that are the result of a vehicle driving over a heavy piece of scrap metal and ruining a tire, or somebody swerving to avoid such a situation.

I had a tire destroyed on the Gardiner Expressway as a result of driving over a piece of roofing sheet metal that had fallen off. That was a \$50 tire gone, not to mention a \$45 tow from the Gardiner to a gas station about a mile and a half away. That is a comment in itself, Mr. Minister, about the towing industry, and I guess you have had enough complaints about that.

I remain disappointed that more positive action hasn't been taken on suggestions by Mr. Philip and myself with regard to the Simcoe Rescue Squad. If these rescue squads were to be established across Ontario, maybe 13 or 14 or 15 or them, located along our major highways, the 401, 400, QEW, in major municipalities, I think we could save a number of lives and lessen the pain and suffering and the cost of rehabilitation for many people who are trapped in car accidents.

It is not the function of fire departments to do that, albeit some fire departments in some municipalities are well trained and are developing some expertise. I think the Simcoe Rescue Squad could serve as a prototype for this kind of service. If it had just a partial endorsement from the ministry and a partial amount of funding, I would think in a public relations sense the breweries, cigarette companies, distilleries and the insurance companies would jump at the opportunity of co-operating and participating. Even in the tough economic times they would jump at the opportunity of participating and assisting in the funding of these programs.

10:30 a.m.

Again, I hate to bring up the subject of the bus tragedy that occurred on Highway 400 last year—or was it the year before—in which children were killed or injured on their way to a ski trip, but the driver of the truck involved in this fatality, who was blameless in this instance, would not have been alive today were it not for the Simcoe Rescue Squad.

In discussions that Mr. Philip and I have had with them, and I think members of your



staff, Mr. Minister, we are aware of the service they provide, the expertise they have developed in the analysis of individual vehicles and how to get people out of different kinds of cars, and how to get through a certain kind of window, and where to make a cut in a door. They have developed an incredible amount of expertise.

I hope that during the course of this year some consideration could be given to school bus safety yet again. I am alarmed that we continue to allow our students to stand on vehicles. I know most trips are of a short distance and do not involve significant speeds on the highway, but nevertheless the damage that can result at a speed of even 40 to 45 kilometres per hour can be significant. We need only reflect on the comments in the press this week with regard to the Air Canada flight from Florida to see the injuries a dozen people suffered when they were tossed about in a 747 for a period of just four or five seconds.

I think we must be taking a look at reducing the potential danger that exists for people who are standing on a bus. I have suggested in the past we give consideration to seatbelts. I know it is a controversial matter, and it may not be one we will settle in this year, but I hope we can settle the problem of the standee, as Alberta has.

**Mr. Philip:** At least on school buses.

**Mr. Cunningham:** At least on school buses. On the subject of school buses, the federal Department of Transport has done a study which I am sure you are aware of. It says almost half of the school bus accidents in six provinces during 1974 and 1975 involved Highway Traffic Act infractions by bus drivers, and I remain convinced—maybe convinced by your own statistics and views may be held by senior officials within your ministry—that most of the problems we have on our highways are driver-oriented problems.

That remains the major problem with individual car accidents, with pedestrian accidents, and the same holds true with school bus safety. They cite infractions such as improper turns and improper passing, following too closely, careless driving, disobeying signs, and driving on the wrong side of the road. These are all things we have to give some attention to, and maybe we have to upgrade that aspect of school bus safety.

I would like to make a brief comment about the Burlington Skyway. We may have other members of the assembly, probably Mr. Isaacs or Mr. Bradley, favour you with their comments with regard to the Skyway and the congestion problems. Just a little

over a year ago you made some remarks, Mr. Minister, which I regarded in a somewhat cynical way to be propitious in regard to a by-election that was going on in Wentworth.

If I recall, the chairman of our region regarded this announcement as exciting. I think the announcement was that we were going to dig a tunnel, or we were going to twin the bridge, which basically are the only options you have. She found that public statement was exciting and the mayor was ecstatic, and we would all be happy if we saw something in a more positive fashion. The longer we wait the more expensive it is going to be, and it certainly is a very significant problem for individual passengers in our community and for people engaged in business to be tied up.

I remain convinced that our GO Transit system and TTC system in this city are transportation facilities that we can truly be proud of. It is probably one of the most successful areas of endeavour that the ministry is involved in and one that we can show to leaders of other jurisdictions. I wish I could add the UTDC to that. I am unable to at this time.

**Hon. Mr. Snow:** You will. Don't worry.

**Mr. Cunningham:** I guess I am young enough. We were going to see it in the mid-1970s and we are now entering the 1980s. Maybe we will see it in the mid-1980s. I just hope the city of Hamilton is not stuck with the operating costs of something it can't afford or even, more unfortunate, stuck with the dangers that flow from a waste of time of four or five years if the project doesn't work.

I would like to encourage you to consider expanding the GO system in a more significant way to the city of Hamilton. I realize the arguments that have been made by yourself, by your deputy and by Mr. McNab on the user studies. I have to think that if the system was improved significantly the ridership would increase significantly. At the same time, I hope you will give consideration to the introduction of GO passes. I think the TTC experiment here will be something that—

**Hon. Mr. Snow:** Where have you been for the last five years?

**Mr. Cunningham:** Do you have GO passes?

**Hon. Mr. Snow:** Certainly. We have had them for years. I don't know for how many years but we have had them for a number of years.

**Mr. Cunningham:** You have got me there.

**Mr. W. Newman:** They are not free.

Mr. Cunningham: They are not free, no.

Hon. Mr. Snow: No, they are not free. You don't get one.

Mr. Cunningham: Extend it to Water-down, make it free and I will ride it. Many of us are able to utilize GO. I would have today, except that I had a bag with my overnight gear in it and lots of stuff for the ministry estimates which I didn't feel like lugging on the GO train this morning.

There are a number of us who can't utilize GO. I am referring to our handicapped people in Ontario. Both you and Mr. Gilbert have had meetings with representatives in the city of Toronto from the Scarborough Recreation Club for Disabled Adults. I don't think they are militant people but they are requesting some very serious consideration of improvements to facilities for the movement of our handicapped people and, more significant, legislation to regulate the conduct of the drivers and the safety of these particular vehicles. I believe you have had a number of discussions with them.

Mrs. Beryl Potter wrote to Mr. Gilbert on February 26, 1980, at my suggestion, to meet you and to discuss some concerns they have. They no doubt mentioned to you the tragic fatality of Linda Pyke who died when she accidentally fell from the passenger seat of one of those wheelchair-carrying vans while it was being loaded. No doubt you have had recommendations made to you as a result of the coroner's inquest on that. I don't want to overwork this one, but I hope you will take a long look at the recommendations of the coroner's jury and move as expeditiously as you can to bring in some effective regulations to assist these people.

They are not freight. It is not something less than a truck load that would go on a commercial vehicle. They are human beings, many of whom have to ride on these vehicles, because of the demands on them, for three hours or maybe even more to get to work and then for another three hours to get back. That makes for a 14 or 15-hour day, which is pretty tough for handicapped people. I know your ministry and many municipalities are making a very sincere effort to develop funding processes to assist in the purchase of vans.

With that in mind, because we are at the infancy stage of funding for these type of programs, it might be appropriate now to get into some consideration of regulations that will ensure safety, ensure that the public is getting the best value for its dollar and see that we are getting the best vehicles we possibly can for our people.

10:40 a.m.

This year and last year you had requests from myself and my leader, Dr. Smith, with regard to some consideration for diabetic drivers. I remain of the view that diabetes is not a heart problem, that it can be controlled. The case that was brought to your attention, the case of Mrs. Ellery, who was a transport driver in Burlington, is an excellent example. She has been diabetic, at least diagnosed to be diabetic, since she was eight years old. She takes insulin by way of a needle and she has little problem, if any.

I believe as long as individuals demonstrate some care with regard to that particular problem they are quite capable of driving—yes, even a transport truck. I think your reluctance to re-evaluate your policy with regard to diabetic drivers is somewhat arbitrary and certainly is unfair not only to Mrs. Ellery but to every other diabetic person who would like to engage in commercial work such as driving a transport truck.

I might add for your edification, and I am sure, Mr. Minister, as a sports fan, you are probably well aware that Bobby Clarke, the hockey player, is a diabetic and probably an outstanding example of what individuals can do as long as they look after themselves with regard to that problem.

I would like during the course of these estimates to obtain some information with regard to the cost of your polls. I would like to know the ministry policy in hiring, and how much has been spent on the three or four polls that were tabled. At the same time, I would like to be advised what current polls you are involved in. I am not necessarily opposed to the ministry utilizing opinion polls. I abhor the idea of government by opinion polls, or surveys but I would not accuse you of that.

In perusing one of them, I think there is considerable merit to understanding in a very real way the attitude of the public with regard to speed limits and enforcement. There's no question in my mind that we could lower the speed limit on the Queen Elizabeth Way to 50 kilometres an hour, but if the public is unwilling to accept that we would be just one more law that won't be respected.

Without being parochial, on a subject of my own area, I have two specific requests for consideration. Again, one is my concern about noise barriers at the base of Highway 6, almost at the junction of Highway 403. In Ottawa there are some very noisy and probably expensive noise barriers. Certainly, within Metro and large urban areas



proximate to Metro Toronto, there are some significant noise barriers. I imagine in Mr. Philip's riding there could be some more. I would suggest to you that these people are on a very busy highway, especially in summer as people go to cottage country, and it is an unfortunate situation. I don't think proper planning would have avoided this, because the subdivision is 25 or 30 years old and no one anticipated that Highway 6 would be utilized in the fashion that it is.

The other thing I would like to offer for your consideration is the requirement for an exit at Fiddler's Green Road in Ancaster. The municipality has been in touch with your ministry on several occasions and I appreciate the courtesy that's been extended to the officials of the town of Ancaster. There is going to be some significant development in that particular area and I believe an interchange there would certainly be very appropriate at this time. I would ask and reiterate the municipality's request that you accelerate your plans.

I look forward to the findings of Mrs. Scrivener's study and Mr. Misener's task force study. I think it's important that the two of them do have a relationship. I hope in time we will develop a greater flexibility with regard to the transportation of goods and people in Ontario.

I will have some comments with regard to my concerns about the operation of the Ontario Highway Transport Board when it comes before us.

**Mr. Philip:** I would like to join Mr. Cunningham in expressing my best wishes to Bob Humphries. Mr. Humphries has always been very approachable and I have never found him to give me incorrect information or try to mislead me in any way. I appreciate this kind of honesty. I hope we will see him back here in the same capacity as Mr. Goodman after his retirement, constantly monitoring what we are doing and keeping an eye on us. I am sure he can make a useful contribution.

I am concerned about a number of things. The first thing that concerns me in these estimates is that we set out some kind of time frame in which to deal with them. To me, one of the most important areas is the communications side of the ministry. Unfortunately, it is the last vote. In past estimates we really haven't had an opportunity to set out a time frame in which to look at the ministry's position on communications. That side of the portfolio will probably be the most controversial, maybe the most interesting and cer-

tainly an area which will have the most changes in the next few years.

I have observed that in the past we have spent a lot of time on the Ontario Highway Transport Board and on the movement of goods. As with Mr. Cunningham, having gone through our inquiry into the transport board and having had our more recent short debate in the Legislature, I don't really think we need spend as much time on that area as we have in the past.

Therefore, I would propose, perhaps with the help of Mr. Cunningham, the minister and any other members of the committee, that we set out a time frame so that those back-benchers who are concerned about matters of provincial roads or public transit may have an opportunity to get on. I would suggest we set out a schedule. This will be to the advantage of the ministry staff so they will know they have to be here only at a specific time.

**Hon. Mr. Snow:** That was something I was going to propose.

**Mr. Philip:** I will leave that. I would simply like to have a fairly good block of time to deal with the communications part of the portfolio and perhaps move it up.

**Hon. Mr. Snow:** I would appreciate that, because in the last four years we haven't spent 10 minutes on communications in total. It seems to be something forgotten at the end.

**Mr. Philip:** I think it is one of the more exciting areas now and certainly one of the more complicated.

**Hon. Mr. Snow:** I would certainly like some time to discuss it.

**Mr. Philip:** By putting our heads together we may actually understand what is going on there.

I have a few comments on the minister's remarks. He mentioned "a sphere of interest and influence which includes all modes of transportation and communications, air, water, rail, telecommunications, urban transit, commuter services and, of course, our highway system and the vehicles which use it." My only comment on that is I think this ministry has failed to integrate the planning approach to the systems and to integrate how one system works its way into the other. Indeed, there is not only a failure to integrate the systems but also a failure to tell us how this ministry integrates with other ministries.

I can recall a few years ago when I was in northern Ontario being informed by a prominent executive in that area that they



weren't really sure about the purpose of the railway, whether it served a planning purpose or whether it served a transportation purpose, and so forth. I really think we have to look at the integration of various ministries, including the Ministry of Energy, the Ministry of the Environment and the Ministry of Industry and Tourism. Perhaps we can talk about that later on.

10:50 a.m.

The other comment in the minister's speech that caught my attention was that MTC is not necessarily the lead ministry in the critical area of energy. I think it would be useful to have people from the Ministry of Transportation and Communications and the Ministry of Energy here to deal with that one topic. In particular, I understand a new report will be turned out by the Ministry of Transportation and Communications. I believe Mr. Johnson is involved with the preparation of that report.

**Mr. Gilbert:** On energy?

**Mr. Philip:** Yes, on energy. Is there not a new report coming out?

**Mr. Gilbert:** We have a series of reports.

**Hon. Mr. Snow:** We are working on a number of things. We work very closely with Energy on TEMP, the Transportation Energy Management Program, as I mentioned in my remarks. We have representatives on several task forces where Energy is the lead ministry. Mr. Campbell, director of our research and development division, is here and he will be quite willing to discuss it. I don't know if I can appropriately commandeer Ministry of Energy people to be here in my estimates. They just finished their estimates last night.

**Mr. Philip:** I am not asking that you bring in the minister, but I think it might be useful to ask if we could borrow some of their key staff people. I would be interested in finding out exactly what is going on and how the two ministries are integrating at this time.

**Hon. Mr. Snow:** I think we can answer those questions.

**Mr. Philip:** Fine. With regard to the comments of Mr. Cunningham, he mentioned the problem of the diabetic transport driver. I think this issue originated with Doug Moffatt, who is now in the transportation business himself. It is still with us. I would like the minister to address himself to that problem. I know he has a number of letters from me on that particular issue. There is no sense my reviewing what I said in my letters.

I would like to deal with a few specific issues. One of my concerns, one of the things I am getting phone calls about, is the whole problem of safety in the trucking industry. I asked the minister if he had any trouble getting here this morning and he said no. I gather that he left a little earlier than I did. On my way down here today there was another truck accident on the Queen Elizabeth Way.

The trucking industry is very defensive about this and keeps on saying, "It isn't our fault. It is the gypsies, or it may be a van and it is called a truck on the news." None the less, I think the average constituent out there is quite concerned. I would like to read a few of the headlines which have appeared in some newspapers in the last year or so, then you can understand why the public was getting concerned.

"The Dead and Injured in Highway 400 Bus-Truck Crash." "I Couldn't Believe it was Happening—Crash Survivor." This is from the Toronto Star. It is not Midnight or the Sun or some of the more sensational papers. This one is from the Sun: "I Knew I'd Be All Right—Survivor." "Tragic History On The Roads. 'Why Did The School Let Buses Go? Girls Father Wants Answers.'" "It Was Planned As An Outing To Blow Off Steam." Then it goes on to talk about the cadavers. "Accident First For Trucker In 21 Years." At least that is a positive one. There may be several people dead, but at least he has only done it once in 21 years.

**Hon. Mr. Snow:** You are assuming he was responsible.

**Mr. Philip:** "For One Family Tragic Day Was A Happy Ending." That is positive. "Fifteen Still In Hospital." "Families Plan Funerals For Bus Victims." That was the bus-truck crash. Then it gets even gory and talks about grave sites and so forth. What I am saying is people out there are concerned not only because they have these reports on the news, but because they don't really know what is happening.

Just as this ministry hasn't been turning out anything specific in terms of research, we get the headline on this, "Ontario Ponders Year-Long Test of 105-foot-long Car Carriers." I can tell the minister the moment that appeared in the paper I got a number of phone calls. Indeed, a number of members of my caucus came to me in some trepidation.

**Hon. Mr. Snow:** I had a few myself.

**Mr. Philip:** Here's another interesting headline—this is from the Globe and Mail,

which is hardly a sensationalist newspaper—"Proposed Super-trucks Called a Hazard." We got a few phone calls after that one, as well.

On this one topic, I would simply like to refer you to the select committee on highway safety. It makes a few observations. It says: "It is known that multisection trucks of 65 feet encroach on other vehicles' space, particularly in the urban road environment. A vehicle of 72 feet would have greater difficulty manoeuvring at slow speeds and would have to absorb more space to accomplish its manoeuvre.

"The time and space needed to pass a long truck combination on the highway already constitute a problem. Passenger cars have difficulty seeing oncoming traffic, estimating the time they require to pass, and accomplishing the manoeuvre safely. Increasing the length of a truck would aggravate these difficulties.

"The longer vehicle, bearing more weight, would have greater difficulty in making inclines. The result of extending the 65-foot limit would be to slow traffic on the highways."

It goes on to talk about wear and tear on tires and on roads as the basic criterion, and it's argued that the lengthening of the vehicle would inflate demands and is therefore inadvisable. The greater the weight, the more damage would be done, both to tires and to roads.

If you really look at the select committee on highway safety report, it doesn't come to grips with the problem of safety in the trucking transport industry. I'm sure the people on that committee did the best job possible. Many of their recommendations you have already seen the merit of, and it's to your credit that you've implemented many of them. But when you come right down to it, the specific problem of safety vis-a-vis the trucking industry hasn't been dealt with extensively. We just don't have the research on it.

Another aspect of this that is becoming more and more frightening is the movement of radioactive materials by truck. In a document which I was able to obtain from the Atomic Energy Control Board, we find out that between 1947 and 1978 the number of incidents in transit, by road, were 56, and at terminal, 19, for a subtotal of 75.

I think we really have to look at the problem of the transportation of radioactive materials by road. I'm not satisfied with the answers from the Atomic Energy Control Board. Their answers to a number of people, including me, are, if not lies, certainly mis-

leading or incorrect information. We've shown this over and over again.

If we're going to rely on the Atomic Energy Control Board to be the sole regulator of the movement of radioactive hazardous goods by road, I think we're being overly optimistic. The provincial government, which has jurisdiction over the movement of goods by road, has to make its views known and has to have some policy on this.

11 a.m.

This ministry has an obligation to make its views known to the federal authorities on the whole problem of whether you move these materials by air, and if by air, under what circumstances and by what regulations. I would like to know what the minister has done in this regard in a dialogue with his federal counterparts.

The incident that took place with the Air Canada plane, which not only had an incident but also irradiated the passengers on board—indeed, 60 workers at the Air Canada terminal were irradiated in excessive amounts—is a clear indication that perhaps we should be moving radioactive materials by road, rather than by air. I think a strong stand by the government of this province in making its views known to the federal authorities would make sense.

It seems only common sense to me that if you have an incident on the road it should be easier to contain. The very fact that you do not have passengers aboard a transport truck means there is more likelihood of fewer people being exposed. We really have to deal with that issue.

I suggest to you, Mr. Minister, that we have a number of information gaps in the movement of goods. In talking with members of the Ontario Trucking Association, they say the basic problem they have in trying to make any kind of reasonable judgement on this is that they lack effective statistics.

They say that age, length of service, whether it's a private or a public carrier, length of the truck, what kind of vehicle is being used, all this information, would be extremely valuable in deciding what kind of policies this ministry wants to put into place. Indeed, it would be very useful to the Solicitor General in his operations.

Certainly we must take a look at the vehicle inspection program on those vehicles carrying dangerous goods—the program now under regulation 412—to find out if it is sufficiently tough and what is being done about it.

I understand that people can violate it and be carrying dangerous goods in trucks that

are not adequately marked. There is very little way, except by accident, of finding out. They do not go under inspection.

I think we may have to look at some of the things that are being done in New York state. New York has an act that requires the changing of driving style when there are changes in driving conditions. It may not be enough to simply say we have speed limits or certain regulations that certain trucks may not drive in certain lanes on certain highways. We may also have to get a little bit more sophisticated and put the requirement on the driver that he has to change his style of driving to meet the particular conditions, and that if he doesn't he can be charged with an offence.

There is a constant complaint by people in the trucking industry about the lack of enforcement in Metro on Highway 401. It's very tough to get enforcement during rush hours. The minister has a certain obligation to deal with the Solicitor General about this. If we had adequate statistics we would be able to look at that problem in a meaningful way, but we don't.

I recognize that the Ministry of Transportation and Communications does spot checks on vehicles. However, what is needed is a regular inspection program, similar to the one which Mr. Cunningham and I viewed in Germany.

**Mr. Cunningham:** Pardon me, I wasn't so fortunate.

**Mr. Philip:** Or that your colleague Pat Reid and I viewed in Germany.

**Hon. Mr. Snow:** You've been on so many trips you can't remember who was with you.

**Mr. Philip:** I haven't actually. That was the only one I got.

**Mr. Cunningham:** I am very willing to go; in fact, I move we go right now.

**Mr. Philip:** I understand there have been moves by the federal government to update law in the Explosives Act and the Canada Shipping Act, but people in the transportation industry are worried about getting a piecemeal set of acts and regulations, and I would like to ask the minister to address himself to that.

While we are talking about the problem of safety and your relationship with the federal government, I would like to read to you a letter by my colleague, Mike Breaugh, to Mr. Jennekens, president of the Atomic Energy Control Board. I could, if we wanted to spend a lot of time, read to you letters that I have written to him as well. Mr. Breaugh wrote:

"It has been brought to my attention by my colleague, Bud Wildman, the MPP for Algoma, that a substance known as raffinate is being transported on public highways from Eldorado Nuclear in Port Hope to Rio Algom Mines in Elliot Lake. According to the Ontario Ministry of the Environment, in an accident concerns would arise due to the acidic, chemical and radiological properties of raffinate.

"The carrier is Commercial Transport Northern Limited. The routes are through our most populated areas and apparently have no adjustment for inclement weather or road conditions. Constituents have reported seeing such trucks in rush-hour traffic during heavy rain and snowstorms.

"According to the Ontario Environment Ministry, raffinate is a hazardous substance, but 'one could not justify informing communities of the passages of each raffinate shipment without also informing them of every other hazardous substance, and that would be very difficult, due to the large numbers involved.'

"I find this stance perverse and illogical. The transportation of radioactive materials on roads crowded with commuters is not a rational act. To propose ignorance as a safety procedure is insane; to eliminate local authorities from such plans is folly; and a complete review of the situation is urgently needed. I request that you do so in full consultation with the communities involved and inform the public of risks and contingency plans."

In response to comments which I have made publicly and also to comments by various reeves and mayors, particularly the mayor of Ottawa, the Atomic Energy Control Board finally came out with an answer as to why it can't inform us of what is being shipped or when it is being shipped. That is, it opens the way to hijacking.

I find that there may be a certain amount of merit in this. You don't simply say when you are going to have plutonium on a particular route and hold a press conference. At the same time, the various mayors and local politicians in various areas have expressed concern that they want to be consulted, that they want to know what is being shipped, that they want some general pattern of what roads these goods are being shipped on.

In short, what we have is a whole series of fights taking place in the newspapers and mistakes being made on all sides. We don't know what it is that the Atomic Energy Control Board is about, and the information



hat comes out from it seems to be deliberately trying to mislead a lot of us.

The day after the AECB wrote to me saying there was very little plutonium being transported in Ontario or in Canada by air, we saw the headlines in the Globe and Mail saying there were going to be large shipments coming in.

What the public needs is a thorough inquiry, which could be published, into the safety of movement of goods on the highway. When you have people like Mackenzie Porter writing and scaring everybody who reads his article—Mackenzie Porter probably criticized the automobile when it came in because it was hazardous to dogs and cats and horses—when you have people writing scare headlines, surely it is about time we develop a system of informing the public and of doing proper research.

1:10 a.m.

I suggest that a one-man commission, not select committee, headed by someone of stature, some of the level of Max Rapoport—

Mr. Cunningham: Or Stephen Lewis.

Mr. Philip: —or Stephen Lewis, or Bruce Alexander, or somebody like that who is respected by all parties, could do an inquiry. He could listen to the mayors and local politicians, meet with the Atomic Energy Control Board and with the federal authorities, and turn out a report to this Legislature and to the trucking industry. Right now the trucking industry is under attack by the public. Some of it is probably justified, but a lot of it is not.

I think the onus is on this minister not to set up a select committee on the safety of trucking, but rather to appoint some reputable highly respected person to conduct such an inquiry and table the results of that inquiry. It would be appreciated by members of the opposition and by the public. It would certainly be appreciated by members of the press, who inform me they are having trouble getting information, not so much from your ministry, because your ministry often does not have it, but from the Atomic Energy Control Board, whom they expect to have the information and whom they think is hiding it. I leave that with you, and I hope you will address yourself to that issue. Carrying on with the safety issue, I would like to file with the minister some petitions that have been asked to give to him. This petition has about 3,000 signatures of truck drivers: "We understand and protest the flagrant abuse of the following traffic issues . . ." They have explained to them that some of the

issues not only involve your ministry, but also that of the Solicitor General. They understand that, and they hope you will go to bat for them with the Solicitor General:

"(a) The lack of education and enforcement concerning the abuse of the centre passing lanes of commercial vehicles. The slower-car abuse of this lane is responsible for accidents, congestion, tailgating and lane-hopping.

"(b) Abolish the ban of trucks in left lanes on the downhill and level roadway on the Burlington Bay Skyway and vicinity.

"(c) The 200-foot truck following distance is too difficult to maintain, especially when other vehicles cut in front of trucks."

On that particular issue, I asked them if they had an incident of a trucker in rush hour on the Queen Elizabeth Way or Highway 401 getting a ticket for what is technically tailgating but in fact is simply being tied up in a traffic jam. They said they had not, but they were afraid it might happen.

Hon. Mr. Snow: I have always been afraid of lightning striking me, but it hasn't happened yet. I am a good target.

Mr. Philip: To continue: "(d) Equal and existing speed limits to be maintained for cars and commercial vehicles."

I am going to give these petitions to the minister. When I talked to these people, the major issue, as they see it, was this abuse by slower cars in the middle lane. The trucks are not allowed to use the outside lane, the cars in the inside lane are going very slowly, and then some fellow does 50 miles an hour in a 60-mile zone in the centre lane on Highway 401.

Surely, as part of the safety part of this ministry, we must have an extensive education program and perhaps, through the Solicitor General, start charging people for obstructing the free flow of traffic in these areas. These are the people who often cause a trucker—who quite rightfully should not be doing it, but none the less he gets anxious and tailgates—to bang into somebody. He wants to go at the speed limit and has no way of doing so because of the guy in his little Volkswagen who is holding up the traffic in the centre lane.

I will leave these with the minister. In fairness, I should also read a couple of letters that put this petition in perspective. One is by Stephen Flott of the Ontario Trucking Association, who does not agree entirely with the petition even though a number of the drivers are part of his association. This is to Joan and Gary Saulnier, who have been collecting these petitions, along with a couple of other people. He says:

"Thank you for your letter concerning your campaign to improve driving on Ontario highways.

"As an association, we can support all your program except item 5. We do not support the use of the passing lane on the Burlington bridge by commercial motor vehicles.

"We have made our position clear to the public and to our members and to the government.

"All the rest of your suggestions, we feel, are sound. As you may or may not be aware, the Ontario Trucking Association has for the last year been promoting a mobile billboard safety promotion campaign. You may notice that, as you are driving along the highway, many trailers have fixed on them the safety messages warning people to stay alert and stay alive, not to drink and drive and to buckle their seatbelts and so on.

"We will be writing to the ministry indicating that we support your request to make Canada the safe driving capital of the world. We will not support your request to use the passing lane on the Burlington bridge under any circumstances and thank you for taking the time to write to us."

That puts into perspective the OTA position, at least on this petition.

Another letter to Mr. McMurtry, if I may take a couple of minutes, puts some of the concerns of these drivers in some kind of perspective. I think it is important to understand that these are not trucking company executives. These are the guys who are spending sometimes 60 hours a week, or at least 40 hours a week out there driving on the roads. Some of them are part of the regulated industry and some of them probably are less regulated than we would like them to be.

"For the last two years, I have been hoping for great improvement with the traffic violators on our highways.

"With the past letters I have exchanged with James Snow and Stephen Flott, I have been on good terms except for the last sent which I believe Mr. Snow sent you a copy of but just in case he didn't, I will.

"Please don't take me wrong, for I am not anti-government. I just want the problem solved as much as yourself.

"In Mr. Snow's last answer to me, he must think that I am trying to make the transport drivers' job somewhat easier. This is a misinterpretation of my comments and is way off course.

"For some reason, he believes that I would like truckers to tailgate the abusers of the middle passing lanes on our highways. What

I was trying to tell him was that angry truckers will tailgate abusers of the only passing lane we have, which comes back to the point that these offenders cause accidents.

"If 1,000 motorists were asked to drive on the highways, pretending that they were in a truck and not to use the far left lane for a period of one month, they would be the first to holler. Right now, they don't realize what the problems are, of course.

"Myself and a group of truckers have now got a petition for the lack of education and enforcement on our highways. Now, I understand that Mr. Snow has taken a lot of our remarks into consideration for the future but the future could be 20 years from now. One of my colleagues tried to get me to believe that the MPP for Mississauga [South], Mr. Kennedy, told him that on February 13 or 14 a petition of 38,000 signatures on the topic of having offenders of abuse of traffic failing to keep right, failure to use blinkers and other offenders of the Highway Act was turned down because it would be too costly to have offenders convicted.

"Please tell me that's not true and, if it is, why. I can't see how any costs would be put over the deaths on our highways.

"Sir, if we don't hit 38,000 signatures on our petition, please believe me that there hasn't been one person that we have not approached who has refused to sign. But if our figure is lower than the drivers in the western provinces come up with, it certainly doesn't mean that there isn't enough people who care.

11:20 a.m.

"I am sending you copies of the past letters I have exchanged over the past two years, with whom I thought would help me with our problems we all face out there.

"If you are talking with Mr. Snow in the future, please tell him that I hold nothing against him and what he is trying to do concerning his job. It's just that I get very upset with what is wrong out there, and will use anyone or anything until there are some proper changes made." And it's signed

**Hon. Mr. Snow:** Who is it from, please?

**Mr. Philip:** Mr. Gary Wayne Saulnier. I have seen various letters from you to him and vice versa. I think that letter—it's handwritten—summarizes what the guy who is out there every day is feeling. He's feeling frustrated and he wants you and the Solicitor General to get your act together and get people charged for obstructing traffic, not because it's an inconvenience to the trucker.

but because it's causing accidents. I leave it at that, and I hope you will reply to that.

Another issue that I would like to deal with, Mr. Chairman, I think members of the committee will find interesting. I want to read into the record very briefly certain sections of a research study for the government of Canada and the provinces of Alberta, Saskatchewan and Manitoba which is being done by W. L. Wardrop and Associates Limited concerning the potential for waste rubber utilization in the prairie provinces. I find this to be a fascinating study. I know there have been studies done in Ontario to a lesser extent, but I think this study can summarize in a few short minutes some of the research. If Mr. Cunningham hasn't seen this or hasn't had the benefit of it, I am sure he will find it fascinating and agree with me that it's something we badly need to look into.

I have notes here on A-5. "Tests in Toronto, as well as several jurisdictions in the USA, have indicated that roads constructed with rubberized asphalt concrete could last twice as long as conventional asphalt concrete pavements. Rubberized asphalts exhibit better riding characteristics, improved skid resistance and a reduced tendency to crack." On page six we have a cost-benefit analysis, and I will read to you one short paragraph:

"The cost-benefit analyses of the use of rubberized sealcoat on highways in the three prairie provinces and streets in the major prairie centres conservatively estimate that over a 10-year period the benefits will exceed costs for such an application by \$118 million."

On page 51 of that report: "Mr. Joseph D. George, professional engineer of Metro Toronto Department of Roads and Traffic, has proposed the use of rubberized asphalt concretes for the construction of pavement over a concrete base. Expected advantages include better skid resistance and riding characteristics, reduced cracking, better wear, longer life and decreased sensitivity to temperature. Tests on rubberized asphalt concrete carried out at the University of Toronto indicated that the material exhibited properties superior to asphalt cement, and a decision was made to lay test strips in Toronto."

On page 91 of that same report—I apologize to Mr. Cunningham; I should have made copies and provided him and his caucus with this, but I will do that afterwards—it is stated:

"Where rubberized asphalt sealcoat replaces asphalt concrete resurfacing, a second application of seal is required after five

years. Thus, after the initial five years, the total area treated with rubberized asphalt would increase more rapidly than the area of road treated with sealcoat for the first time."

Then it goes on: "Rubber demand in the city of Toronto: Pending council approval, the city of Toronto plans to use 455,000 kilograms (or one million pounds) of rubber for the three years beginning in 1978, increasing to 682,000 kilograms (or 1.5 million pounds) per year in the year 1981 and thereafter. This material will be less than 0.6 millimetres, 23 mesh, for use in asphalt concrete paving. It appears that a prairie supplier would have to sell this material at approximately 30 cents per kilogram (or 13.6 cents a pound) delivered in Toronto."

"The city of Toronto and province of Saskatchewan represent the only reasonably firm markets at the present time. However, the market in other prairie provinces is anticipated to develop rapidly once it has been demonstrated that the new technique is beneficial for their particular conditions."

I believe Toronto has put down roughly five miles of road to date with it.

Lastly, page 101 is the summary of results: "The results of the benefit-cost analysis for the entire study region are presented in table 14. Results of the provinces of Alberta, Saskatchewan and Manitoba are summarized in tables 15." I can supply you with the tables. "The present value of the net savings resulting from the use of rubberized asphalt, discounted to 1977 at 10 per cent, is in the order of \$118 million for the overall system and indicates a very large advantage in the use of crumb rubber for road applications."

"The benefits to the individual provinces of Alberta, Saskatchewan and Manitoba are \$59 million, \$49 million and \$10 million respectively. While the total value of the benefits changes in the use of discount rates of five per cent to 15 per cent, the use of rubber crumb on the road rehabilitation remains beneficial in each case, and the relatively large value of benefits shows that the initial capital investment on a scrap-tire processing facility would be a small fraction of the benefits."

Mr. Chairman, I believe there is a group in Mr. Makarchuk's riding called New Credit Development Project. It is a group of native people who have spent a considerable amount of time researching this, and they estimate they could provide a lot of work for a number of their people in turning out this rubber crumb product to be used. The band so far has spent about \$10,000 to \$15,000 on



feasibility studies, but it simply must know whether the ministry is willing to give its endorsement and whether it will help municipalities in the writing of their specs. They can't continue to go on planning and designing a plant any longer unless they get an answer fairly soon.

Saskatchewan has decided this year it will be laying something like 100 miles of road using this. Their climate conditions are worse than anything we experience.

If one looks at the response that has been made by each of the various municipalities, in a questionnaire that was sent out to them, asking if they had ever heard of this process and if they would be willing to use it, invariably you get municipalities saying they rely on the Ministry of Transportation and Communications to give recommendations. I will go through the responses of some of the municipalities that have answered like that.

North York, one of the largest municipalities in Ontario, said that, as I believe did Etobicoke and Burlington, "Waiting for information on tests." St. Catharines has said, "Asphalt is becoming so expensive we are willing to listen to anything."

11:30 a.m.

When you go through the responses of these different municipalities, what you get is a general feeling that they are willing to look at this but they want some leadership from the MTC. They want you to say: "Look, this has proven itself elsewhere. We have the research. We don't have to duplicate the research—that has been done in Saskatchewan and Alberta and Manitoba. This appears to be a reasonable project."

It is environmentally to our advantage, because as I understand from the Ministry of the Environment tires pose a major problem. If you put them in a dump site they eventually work their way to the top, catch fire and create a major problem. Here is a way in which we can deal with an environmental problem and I would simply like you very soon to take some kind of stand and do some education and assist municipalities to start working on the use of this material.

This project will help the native people, who are very anxious to have a plant that provides employment for them. But that isn't the main reason I bring this up. It seems to me it is reasonable to take care of an environmental problem and at the same time to use somebody else's research without reinventing the wheel. I would ask you for a response on that.

You mentioned in your presentation about the tremendous system of GO and rail service that you are expanding. Many of the residents in the area of Oshawa moved into that area in response to housing programs that were set up by the provincial and federal governments. There are thousands of commuters now. I was out speaking with them. Many of them are very afraid about the loss in value of their homes. Not only are they faced with the problems of mortgage rate increases, but as energy costs go up many people tend to be moving towards the central core of the city. Extended GO train service surely is a must. The population base to support the extended service is in place, and the current GO bus service is not an attractive alternative. If you want to get people off Highway 401, we simply must provide the GO service to them.

At the very least the train should go as far as Darlington Park station. GO train service would certainly reduce the rush-hour traffic on Highway 401. Once they are on Highway 401 people will drive all the way. If you can get them on the GO train before that they are more likely to use that service.

The people who have endorsed the GO train going as far as Darlington Park include Ed Broadbent, Mike Breagh, the Oshawa and District Labour Council, the city of Oshawa, the region of Durham and Bruce McArthur, who is a regional councillor out there. You will notice I mentioned everybody except the sitting member for that area—

**Hon. Mr. Snow:** I thought Mr. Breagh was the member in that area.

**Mr. Philip:** No. Mr. Cureatz is the person I was talking about. Sam has not endorsed it.

**Hon. Mr. Snow:** I don't think you are right on that.

**Mr. Philip:** I will read to you a press release and, if it is wrong, I will retract it. How's that? This was turned out by the Durham East NDP Association on March 17.

**Hon. Mr. Snow:** I am sure they would have a good one.

**Mr. Philip:** "The Durham East riding association president, Clare MacPherson today condemned MPP Sam Cureatz for failing to support the proposed extension of GO train service in this area. Mr. MacPherson said: 'One would think that the sitting member of the provincial government for this area would come down solidly for the GO train extension here. This seems to be a trend or Mr. Cureatz's part when issues are involved which directly affect the future of this riding. He should be working for constructive

change on behalf of his constituents rather than adopting the present no-go stance?" I suppose it is the no-go stance of the minister they are talking about.

"Mr. MacPherson said the Durham East NDP strongly supports Durham regional council's adoption of a motion by Oshawa councillor Bruce McArthur requesting that GO Transit service be extended at least as far as Oshawa. Since the adoption of this motion by regional council, similar resolutions in support of the GO extension have been approved by the councils of Whitby, Oshawa and the town of Newcastle.

"Mr. MacPherson said he believed that Mr. Kureatz would best serve his constituents by retiring from politics after his defeat in the next provincial election." I don't know why I read that section.

Hon. Mr. Snow: I don't know why you said either, because he is obviously still going to be the elected member for that area long after that press release is ashes.

Mr. Philip: We'll find out about that. It probably will be if you extend the GO service, because there are a lot of people out there who are very upset about it. I would like to hear what your plans are in this regard.

I believe a letter was sent to Mr. Davis by Mr. Breagh on this very topic. "Mr. Breagh tells Mr. Davis, 'GO Extension More Vital to Durham than Seaton.'" I won't go past the headline, but I am sure you have seen the newspapers as well as I have. I could ask the minister to consider that.

Another matter I would like to raise is the minister's reaction, quite rightfully, a few years ago when I brought up the issue of medical records of truck drivers and the whole problem of privacy of records. I am glad he showed that sensitivity and was able to do something about it.

However, I have a number of constituents who object to the fact that your ministry supplies a statement of driving records to insurance companies. They take the civil liberties stand that the insurance company has the right to ask for that information, and that the person supplying it should have the right to say, "We don't want to do business with you if you won't supply it." But they object to any third party simply supplying that information without some kind of consent form. They see this as an invasion of privacy. They don't deny that the insurance companies have the right to refuse insurance to anyone who doesn't supply it, but they strongly object to you simply supply-

ing their driving record to anybody who has \$3.

I think I wrote to you on November 23 and you sent me a reply, but at least I would like to have my concerns and the concerns of some of my constituents on the record.

I mentioned that we would be dealing with regulation in some detail under that vote. One of the areas I would like to discuss with the minister under that vote is why it is that Canadian Pacific is able to operate a trucking company without a PCV licence. We have had two court decisions—

Mr. Cunningham: Four.

Mr. Philip: We have had two Ontario Supreme Court decisions saying that ownership must be in the hands of the parent company. CP owns Smith; Smith has a PCV. CP owns CanPar; CanPar cannot, as I understand it according to the decision, operate with Smith's PCV licence. That is the gist of the decision. Mr. Cunningham, I am sure, read the decision.

I think we should ask you, "How can you expect other small companies to have respect for the law when a large multinational company seems to be able to violate it with only a few little fines?"

This is an issue that has to be settled. It may well be that you will have to give CanPar the PCV they want after a proper and appropriate hearing. If that is the case, fine, but you will have to rationalize this kind of behaviour.

If we are denying UPS a licence, then how can you have a large operation as big as them, or probably even larger—I don't know what the comparative size is—one of the larger operations operating in competition to UPS without a PCV? The law has to be consistent for everyone.

11:40 a.m.

That concludes my remarks. I have some comments under various votes, on the Urban Transportation Development Corporation, on snowmobile problems and on other safety matters. I will simply conclude by saying, once again, as did Mr. Cunningham, that I am still very shocked at the way in which your ministry and the three other ministries involved are dragging their feet on the Simcoe rescue extrication matter. People are dying on Highway 400 and on other highways, and until we have a proper extrication system in this province we are going to have unnecessary quadruplegics.

My wife, who is the co-ordinator of the nursing assistant program at Humber College, goes into these hospitals where these people spend their lives in wheelchairs at consider-

able expense to the taxpayers. People such as Roy McMurtry's brother, Dr. McMurtry, who is the director of the intake section at Sunnybrook Hospital, has expressed his concern about the need for proper extrication systems.

The money you would save by saving one person from being a quadriplegic and a ward of the state for 20 years, would pay your costs of setting up a proper extrication system. I say to you that the Simcoe Rescue Squad has done your work for you. The least you can do is give them adequate sponsorship and get adequate rescue services across this province. I will close on that note.

**Hon. Mr. Snow:** Mr. Chairman, I thank the honourable members for their comments. I will try to reply as briefly as I can and touch on the points that have been mentioned.

To start off with, in Mr. Cunningham's comments, he discussed what he feels is a deterioration of highway safety. I would have to take strong exception to that.

**Mr. Philip:** I wonder, Mr. Minister—

**Hon. Mr. Snow:** All right. If you don't want me to talk, I will quit.

**Mr Philip:** On a point of order: You did say we would be setting up a time schedule. Since it is obviously close to 12 o'clock, it would be appropriate, before you start your remarks, which are going to be extensive and which no doubt will go past one o'clock, that we set up that schedule.

**Hon. Mr. Snow:** I'm not going past 12:30 p.m., I am sorry.

**Mr. Philip:** Can we have the schedule so that your staff and our people will know?

**Mr. Chairman:** It is up to you. You have 20 hours to allocate. It is up to the members of the committee as to what they want to do.

**Mr. Cunningham:** I have no objection to the minister finishing his remarks. I am in your hands, Mr. Chairman. Are we going to discuss the schedule now? Is that the plan?

**Mr. Chairman:** That is what Mr. Philip wants.

**Mr. Cunningham:** As usual, I merely want to accommodate the staff. I don't think we want to tie people up here unnecessarily when we are not going to be talking about matters that will be directly related to their responsibilities.

Traditionally, we have had Mr. Foley in on behalf of the UTDC.

**Hon. Mr. Snow:** There are four basic groups we have asked to set up time for so

that we have the appropriate staff here. I think you will agree, Mr. Cunningham. We will have the Ontario Highway Transport Board, Mr. McNab and his people from the Toronto Area Transit Operating Authority, the UTDC, and the Ontario Telephone Service Commission. Although the OTSC have been here, they have never been talked to yet.

**Mr. Cunningham:** Maybe we should have Mrs. Bielski in first and then she would get a chance.

**Hon. Mr. Snow:** Mr. Philip has mentioned he wants some specific time for communications. Whenever the committee would like people from those particular sections of the ministry to be here, we will arrange that with the staff. Will you want a full two-and-a-half hour session with each one? Whatever you want, you can have them in. When you deal with TATO, if that only takes an hour then you can go back to a regular vote for the rest of that session, if that is what you would like.

**Mr. Cunningham:** I just want to be as accommodating here. I don't want to tie anybody up. Whenever you decide you want to have these people here, I will make an effort to be here.

**Hon. Mr. Snow:** We have one more session this week.

**Mr. Cunningham:** Are we meeting tomorrow?

**Hon. Mr. Snow:** Tomorrow evening from eight to 10:30 p.m. I expect it will be taken up in discussion on the first vote. It normally takes at least that long to have a general discussion on the first vote. Next week we have three sessions, Tuesday night, Wednesday morning and Thursday night.

**Mr. Philip:** Mr. Chairman, my understanding is that the committees, in concert with the chairmen, will decide whether or not they wish to sit next week. As you know there is a very important debate going on in the House. Some of us are concerned at wanting to participate, and we want the benefit of listening to what the other members have to say in the Confederation debate. I think that is the first matter you should decide.

I am perfectly in agreement with the minister that we spend tomorrow night tidying up the first vote and that we decide whatever is done, we will pass the first vote tomorrow night. For next week, we must decide whether we want to sit at all.



**Mr. Chairman:** I think it would be advisable for each group to take it up with their House leaders.

**Hon. Mr. Snow:** I believe that has been one, Mr. Chairman. The word I got from our House leader last week was that there was a suggestion the committee might sit Wednesday morning, but it wouldn't sit Tuesday and Thursday nights because of the constitutional debate. Then, in discussion with Mr. Wells yesterday, he advised me the committees were going to be cancelled on Monday and Friday. It was apparently agreed by the House leaders that no committees would sit Monday or Friday when the lead-off and windup speeches would be made, but they did not want to lose time on estimates and the committees would sit Tuesday and Thursday evenings. I have been readjusting my schedule back and forward to try to keep up with what the House leaders say. That is my understanding of what the House leaders agreed to yesterday afternoon.

**Mr. Cunningham:** I don't want to interrupt the proceedings, but I want to leave with you for your consideration my views on the importance of the debate next week. I am sure every member of the assembly is vitally concerned about the quality and content of the debate. It is probably one of the few topics where I think we would have an element of unanimity in this Legislature, which seems from time to time to be troubled with partisan matters. I think it is vitally important.

Frankly, I am not aware of the kind of arrangements my House leader has made. When the discussions about this debate were initiated, I was told that every member of the House would be able to stand in his or her place and make comments as he or she saw fit about the future of this nation in the way ahead. It now has reached a stage where, because of time limitations, only 10 or 12 members from each party, maybe 13 or 14, may have that opportunity. I guess it is divided among the parties.

**Mr. Philip:** Bob Nixon informed me last night he has 24 on his speaking list and we have 21.

**Mr. Cunningham:** It may well be. The point I am trying to make is that I think it is vitally important for a number of reasons. As members of the assembly, I think we should be there and the estimates should certainly be held off for some time.

The last thing I would like to see, especially in view of the televised aspect of this debate, is the impression left that members of the assembly are less than interested in the debate. People watching the debate on television

may see empty seats all over the place. Those empty seats may be as a result of our participation here in committee.

Often there is an unfair impression left that members of all sides of the House aren't particularly interested in the work of the House. When we are involved in one, two or three committees, that sometimes leaves fewer than 20 people in the assembly to conduct its affairs.

11:50 a.m.

The last impression I would like to see left in Ontario and, even more significantly, in Quebec, is that we are not interested in that debate. Our requirement here, by way of the estimates, would undermine that. Frankly, I would prefer not to be here discussing estimates next week. That is my preference.

**Ms. Gigantes:** Mr. Chairman, if I can, I would like to propose a motion that we not sit during the constitutional debate. My understanding from the report we had from our House leader yesterday at caucus was that each committee should discuss this matter and decide how it would like to deal with the question.

As Mr. Cunningham said, it is only once in a hundred years that we are called upon as residents of this country to sit down and reframe our constitution, and I think it is important enough that we should be willing to put up with the inconvenience of having our estimate times delayed and have to work around that problem. We are dealing with a question of what the minister suggested is five hours of committee sitting, the Tuesday night and the Thursday night. I think that is a small contribution that members of this committee can make. If we have to make other accommodations in terms of our time to deal with the estimates later, then I think we should be prepared to do that.

I know that for the Ministry of Energy estimates, which were completed just yesterday evening, in order to try to move ahead after we had had interruption because of the urgent nature of other discussions which this committee wished to have, we decided to sit an hour earlier yesterday evening and we had a session of three and a half hours.

If we have to make accommodations in the future to finish the business of the committee as has been proposed, I think that is a fair enough obligation to place on members of this committee. I think the significance of the debate next week is something we can't underestimate.

**Hon. Mr. Snow:** I have no objection to that. That is what I understood three or four days ago was going to happen. Then I under-

stood from our House leader yesterday, may be wrongly, that the House leaders had decided the committees should sit. If you want to forgo sitting next week, of course, that is fine with me.

**Mr. Chairman:** Whatever the House leaders agreed on is—

**Mr. Philip:** Even if the House leaders had not agreed on it, which they have, the committee has, within its jurisdiction, the right to set its own schedule.

I feel very strongly that if we do not have a very large attendance in the House and as it is being covered by the media, not only in this province, but also in Quebec, we would be sending out a very visual message to those people at the time of a very important vote that we really don't care. I want to be there because I want to learn the feelings of my colleagues on a very important issue. But I am also concerned about how we look in the media in Quebec. I think we need every member sitting there, no matter who is speaking and no matter what we may be gaining personally from it, if for no other reason than for pure propaganda purposes.

I don't like to see this country split up, and the vote is very close right now.

**Mr. Chairman:** I understand it is a very serious debate, and I understand the sentiments expressed by each individual member. I think we all share those sentiments; so I take it you will take those feelings back to your respective House leaders and suggest that you do not want to go ahead with estimates on those days.

**Ms. Gigantes:** Mr. Chairman, on a point of order: I made a motion that we not sit next week.

**Mr. Chairman:** I am just discussing this before I take the vote.

**Ms. Gigantes:** We will certainly inform our House leaders of the result of any motion.

**Mr. Chairman:** Yes.

**Mr. Cunningham:** If the vote carries, as I suspect it might, I think we will advise them that we won't be here.

**Mr. W. Newman:** You said the House leaders have agreed that the committees will sit next week?

**Ms. Gigantes:** No. We were informed by our House leader at caucus yesterday—I mentioned this just before you came in—that each committee would discuss among its members what action should be taken. As the minister put it to us, it is a question of deciding about five hours, because we are talking about Tuesday night and Thursday

night. On a matter of five hours we, a members of this committee, should be prepared to make other arrangements, if required, to finish the estimates.

**Mr. W. Newman:** I have no quarrel with what you are saying. The only concern I have is whether the House leaders have come to a firm commitment and if it is up to the individual committees to—

**Ms. Gigantes:** We were instructed by our House leader we should raise the matter at the committee.

**Mr. W. Newman:** May I ask, does your House leader know?

**Mr. Cunningham:** Bob mentioned it, Mr. Newman, but again I got the impression that it was a matter that would be decided or could be decided by the committee and is, of course, within our purview to do that. I don't want to be redundant, but I would echo what Ms. Gigantes has said. This is our country and as important as I regard these estimates—and it is a very important minister—they can wait a week.

**Mr. Chairman:** I am quite prepared to move the motion, but I want it understood that you are still going to have to take it back to your caucuses for the reason there are only four members of this committee qualified to vote, if you actually go by the rules. I will accept the people who are here because after all they are the voices of the different caucuses, but this is the problem I am confronted with. I was trying to avoid it, but you have heard the motion. All those in favour? Opposed?

Motion agreed to.

**Mr. Chairman:** I expect you will take this back to your respective caucuses. What about date and time? Should we leave that until perhaps Thursday evening?

**Mr. Philip:** I don't know how we can do that.

**Mr. Chairman:** You have arranged pretty well that Thursday evening we would go by the first vote.

**Mr. Philip:** And then the following Tuesday, I guess, if we could move to communications we could deal with that at that time.

**Hon. Mr. Snow:** But next Tuesday we are not going to sit.

**Mr. Philip:** The Tuesday after next, the following Tuesday.

**Hon. Mr. Snow:** What about next Wednesday? Do you want anybody here next Wednesday?

**Ms. Gigantes:** The House will not be sitting on Wednesday morning?

**Hon. Mr. Snow:** No. The House will sit, as I understand, next Wednesday afternoon, but that shouldn't interfere with the committee sitting from 10 until 12:30 Wednesday morning.

**Mr. Cunningham:** Next Wednesday, May 7? From what time?

**Hon. Mr. Snow:** From 10 till 12:30 is the normal time.

Would you like anybody in particular here on that date, or would we go on with the general discussion?

**Mr. Cunningham:** Rather than get all mixed up in these various votes—Mrs. Bielski may end up on the short end of it again this year if we do it this way—if we can come to an agreement on vote 2601 by Thursday, which will cover general comments, I would think we would be ready for some discussion on votes 2602 and 2603 on Wednesday morning. There could be some discussion about regulation, which I guess is the highway transport board as well. That is the policy section.

**Hon. Mr. Snow:** No, vote 2602 is planning, research and development. That is normally where we bring in the Urban Transportation Development Corporation.

**Mr. Philip:** It would also be where we deal with the energy questions. To try to deal with that plus regulation in one morning is—

**Hon. Mr. Snow:** No regulation in that vote at all.

**Mr. Philip:** Mr. Cunningham was saying to deal with the next two votes.

**Mr. Cunningham:** If we can get through all that. But if we proceeded with vote 2602 on Wednesday morning and see how we take out on it, it will be fine with me.

**Hon. Mr. Snow:** With or without UTDC?

**Mr. Cunningham:** I would prefer to have them here.

**Hon. Mr. Snow:** So we will then schedule, that is agreeable, Mr. Chairman, UTDC to be here on May 7?

**Mr. Philip:** And the gentleman who has been working on the energy project.

**Hon. Mr. Snow:** He is right here today if you want to talk to him.

**Mr. Cunningham:** Then I gather the next occasion we will be sitting will be May 13?

**Hon. Mr. Snow:** I haven't a calendar here.

**Mr. Cunningham:** The following Tuesday, May 13? At what time?

**Hon. Mr. Snow:** About eight o'clock.

**Mr. Chairman:** The usual time.

12 noon

**Hon. Mr. Snow:** If you follow the votes, that would be when you would want Mr. Alexander here.

**Mr. Cunningham:** That would be my preference, if we could.

**Hon. Mr. Snow:** May 13, with Mr. Alexander. The next vote is the provincial roads program.

**Mr. Philip:** I wonder if we may be able to start the provincial roads program that evening. We have dealt with the transport board and all of that area so extensively in the last few years, and also we've just been through an inquiry. I would suggest we should start the provincial roads vote that night.

**Hon. Mr. Snow:** We can deal with provincial roads any time. Our staff will be here.

**Mr. Cunningham:** I would be most agreeable to limit my comments that evening and proceed to vote 2604.

**Hon. Mr. Snow:** You could probably get started on it. I imagine there will be quite a number of people who want to speak on that.

**Mr. Cunningham:** It could be an election year.

**Hon. Mr. Snow:** Whenever we get to provincial transit, whenever you want to deal with that, we should have Mr. McNab here.

**Mr. Cunningham:** Starting again on May 14, at 10 o'clock? I would suggest members would probably still want to make some comments on vote 2604 that morning.

**Hon. Mr. Snow:** We can jump back and forward on the provincial roads program.

**Ms. Gigantes:** It can be the miscellaneous vote.

**Hon. Mr. Snow:** If you want to shut off transit for the Wednesday morning, that would be two weeks from today, which would be May 14. If you want to have provincial transit, we could have GO here then.

**Mr. Philip:** We can stand down the previous votes and let people know.

**Hon. Mr. Snow:** That's what I'm suggesting. If we have the TATO people here on that Wednesday morning, we can deal with TATO. Whenever it's finished, we can go back to provincial roads.

**Mr. Chairman:** We sit on Thursday night, May 15.



**Mr. Philip:** We can deal with municipal roads again and anything left over from provincial roads in the evening.

**Hon. Mr. Snow:** Why don't we deal with communications on May 20? Is that satisfactory?

**Mr. Cunningham:** Vote 2609?

**Hon. Mr. Snow:** Yes. Then on May 21 we will finish the rest. The others we're pretty well equipped to deal with any time. The deputy minister and I handle those.

**Mr. Chairman:** Is that satisfactory?

**Mr. Philip:** That's fine.

**Mr. Chairman:** Mr. Minister, we'll hear from you.

**Hon. Mr. Snow:** I don't imagine I'll get too far, but to start over again with Mr. Cunningham's remarks, I cannot agree with him that there is really any deterioration in the matter of highway safety or in the efforts of this ministry on highway safety. It's something I personally have spent a great deal of time and effort on over the years.

I think with the recommendations of the select committee on highway safety we have made a lot of moves. I expect by the time we come back to discuss these estimates again I will have introduced this year's amendments to the Highway Traffic Act. They will be before the House at that time. I expect to be introducing the bill tomorrow or on Friday. There is nothing major in the bill, but there are a number of changes, some of which I think will add significantly to our safety program.

Mr. Cunningham mentioned annual inspections. I won't disagree with the benefit of annual vehicle inspections. We have moved quite a way in this direction. I think the select committee recommended that over a period of time we should phase in annual inspections for many vehicles, if not all.

We have stiffened up considerably the requirements for school bus inspections. We brought in the dump trucks under the six-month inspection program. We brought in the regular buses last year. They're all under the inspection program. It's my intention, in the relatively near future, to bring all tank trucks and vehicles carrying dangerous goods under the inspection program.

We're working on regulations and legislation right now to do that. That will bring a large percentage of the commercial vehicles under the inspection program. Although the Ontario Trucking Association has written to me saying it disagrees there is any need to bring those vehicles under the program, I don't think I can really agree with the state-

ment. To gain the confidence of the general public, since these vehicles are carrying dangerous commodities—whether it's gasoline or any other type of dangerous commodity—the public should be satisfied that those vehicles are inspected. I intend to introduce that.

As for introducing it for all automobiles, I don't think we're at that stage yet. First of all, it takes time to implement these programs and to bring them in. We're moving about as rapidly as I feel we should move. I think there are some great arguments as to the benefits of bringing automobiles under the program.

The state of Florida has an annual inspection program, but Governor Graham made a statement not too many months ago that it was his intention to do away with that program—although I notice it hasn't been done away with yet. He thought the resources used for it could be better utilized in other types of safety programs and enforcement.

Our experience here is that almost every automobile gets a safety inspection about every three years in any case, when the vehicle changes hands or is traded. That doesn't cover all vehicles, because some people buy a car and keep it for eight or 10 years before getting a new one. But the vast majority of them are inspected.

We have our ongoing inspection lanes—these travel around the province doing inspections. We have also the truck inspection stations that are continually doing inspections on all types of trucks.

We are moving in that direction, and I expect to bring in the bill concerning vehicles carrying dangerous commodities of any type in the very near future.

The phasing of licence plate renewals was mentioned. This is a program that I am committed to. It's in the works right now.

**Mr. Cunningham:** It was in the works last year too.

**Hon. Mr. Snow:** And it will be in the works next year too, if you want to be smart. It will not be implemented until the plate-to-owner changeover is made. We have decided it would be too much disruption to change the systems two different years in a row; so we propose to implement the plate-to-owner system. A lot of major computer work and planning for that is under way, but it will still take some time.

12:10 p.m.

We will implement the phasing-in of the renewal of the licence plates, probably for all automobiles and for all trucks of less than approximately 10,000 pounds. In other words

the small trucks will be on the phased system. The large trucks will still have their annual renewal. The major work in changing all the computer programs to do that is under way right now. We are not sitting on it at all, but it will take us two years to implement that system.

Mr. Cunningham mentioned his concern about debris on the highway, and I would have to agree with him. We do have requirements for covering those loads. It is an enforcement problem. I think it has improved considerably, but there are still occasions when there is debris other than scrap metal, although scrap metal probably is the most obvious one; we see pieces of that lying on the highway from time to time, some of which may have come off trucks and some may not. It is a problem. It is one that we are faced with continually.

With regard to the Simcoe Rescue Squad, I am sure you are aware that we had an interministerial committee looking into the matter of rescue squads. That committee has completed its work, and the report is in the hands of the Solicitor General. Cabinet designated the Solicitor General as the lead ministry. My ministry was very much involved in the studies and in the report, but the implementation of that report will be done by the Solicitor General. I have been urging him to take some action on it, but as of yet he has not done so.

**Mr. Philip:** Do we take it that it is not public yet? It is just in the hands of cabinet?

**Hon. Mr. Snow:** I believe the report is printed and in the hands of the Solicitor General.

**Mr. Philip:** But not released yet?

**Hon. Mr. Snow:** The release of the report is up to him, but the report has been completed. The recommendations have been completed. I understand there has been a task force in the Solicitor General's ministry working on an implementation plan for the recommendations. I expect the Solicitor General will be releasing that report. I thought he would have released it by now, but he has not.

**Mr. Cunningham:** I appreciate the minister's interest in this.

I would like to leave at least my philosophical concern about which ministry should have this responsibility. I believe it should be MTC, because most of the problems in terms of these rescues are motor vehicle accidents. There are situations involving fires, kids trapped in refrigerators, a guy falling over an escarpment face, or whatever, but

most of the situations that would require this service are automobile or truck accidents. To that end I would submit and suggest that you should be orienting this service on a highway basis.

It is not my function, and I do not have the capability, to tell you where to put them, but I do believe it should be an MTC responsibility. With no disrespect to the Solicitor General, I am distressed that the Solicitor General is involved in this particular activity, because I do not think it should be his responsibility.

I fear, out of convenience, it is going to end up in the hands of fire departments all across Ontario. As I said before, with no disrespect to our people in our fire departments, they have an entirely different responsibility. Some of them may have the expertise, but generally the rescues are highway oriented. Where possible, they should be located on highways and administrated by your ministry.

**Hon. Mr. Snow:** I appreciate your thoughts on that. I do not happen to agree with them. In any case, we have not said we would not accept this responsibility. The recommendation went to cabinet, and the cabinet's decision was that the Ministry of the Solicitor General should be the lead ministry. There is considerable rationale for that.

The Ontario Police Commission, the Ontario Provincial Police, the fire marshal's office, the coroner's office, the fire college, the police college, those types of training facilities in place in the province, all come under the Ministry of the Solicitor General. Probably part of the rationale behind saying that is that the ministry in charge of law enforcement and investigating accidents should be the lead ministry.

**Mr. Philip:** Is it also not fair to say the Ministry of Health is so dominated by some of the dinosaurs in the medical profession that they would never move towards a proper paramedical system in this province, which would be a logical connection then with an extrication system? There is no point in putting it in the Ministry of Health since that ministry is not likely to move in that direction. That means there are only two ministries to choose from, and it happens to be the Solicitor General.

**Hon. Mr. Snow:** The Minister of Health, I believe, had some members on a ministerial task force that completed the study and made the report.

**Mr. Cunningham:** If my memory serves me well, and it doesn't as I get older, we were

told we would see a report last May. Didn't we hear that?

**Hon. Mr. Snow:** There was a question in the House, from someone, as I recall, last May or June. At that time I stated that the report was imminent, that it was in the finalization stage, and that it had not gone to the printers.

**Mr. Cunningham:** The only point I would make, in closing on this subject, is that a year has gone by. In that interim—

**Hon. Mr. Snow:** No. I am sorry, it was not last May; it was last fall, before the House session ended, I think.

**Mr. Cunningham:** It has certainly been a year since we had a meeting up in Downsview on it, and it has been well over two years since the matter was brought to your attention in a very public way.

I have to surmise that a lot of people spent a lot of time in vehicles unnecessarily as a result of this inaction. This is a most pressing matter in my view and it is inexcusable—I mean that very respectfully—that the government, whether your ministry or the Solicitor General's, or whoever, has gone on as long as it has.

**Hon. Mr. Snow:** You may think things should be jumped into and erratic action taken. I do not happen to think that is the case. This matter has been thoroughly reviewed, all aspects have been looked at, and many meetings have been held. A report is prepared and is now printed, I understand. I am not the responsible minister to distribute or release that report. I have written to my colleague urging him to take action and to release the report, but we have not seen it yet.

**Mr. Cunningham** made some comments regarding school bus safety, mainly relating to standees. This again is something that has been under discussion. I have had correspondence and discussions with my colleague, the Minister of Education (Miss Stephenson). I have no problem myself in agreeing that the elimination of standees would diminish the possibilities of injuries in riding on a school bus.

Our progress has been slow. The boards of education have a very sincere interest in this matter. I have seen no real indication of unanimous agreement by the boards of education on whether there should be an elimination of standees.

12:20 p.m.

I certainly have no problem myself in saying there shouldn't be standees on long trips. We have said there shall not be standees on

extra-curricular trips, such as students coming here to Queen's Park or the Ontario Science Centre or wherever they may go. We changed the legislation about two years ago to eliminate standees on those types of extra trips.

**Mr. Philip:** Do you have any accident count on that?

**Hon. Mr. Snow:** We have total statistics on school bus accidents and injuries.

**Mr. Philip:** But you don't distinguish whether standees are more prone to accident?

**Hon. Mr. Snow:** I can't say. We would have to look at that. I don't know whether Mr. Humphries can give us an indication. We really have an excellent record and a few injuries relating to school buses. The most I hear about are children outside the bus. We have very few injuries relating to bus accident or within the bus. It is usually, unfortunately, some other type of situation—a child crossing the road in front of the bus, a car not stopping or something like that.

Right now I am more interested in looking at whether we can possibly improve the signalling system or consider stop arms on school buses. We have a test program going on in one school board area in the county of Leeds where stop arms which fold out have been installed on a number of buses. We have monitored very closely adherence to the law, the number of people breaking the law in passing a stopped school bus without those arms on and with them. I think it is coming to a stage where I will be in position to make a recommendation on this fairly soon.

In observing them myself in other jurisdictions, I am convinced the foldout stop arms are worthwhile. In some jurisdictions in the United States they have two foldout stop arms, one on the front of the vehicle and one on the back. The easy way to implement foldout stop arms would be to supply all new buses manufactured after September 1, 1980, shall have them. That does not serve the purpose as far as I am concerned. It would take 10 years before all the buses would have them. In a few years, we would end up with half the buses with them and half without. I think that would be more dangerous than anything.

If we are going to legislate stop arms then how do we do it and who pays for it? We all know who pays in the end. I believe there are 6,000 to 7,000 school buses in the province. If they all had to install stop arms at once, without some lead time, it might create a supply problem.



**Mr. Philip:** What is the cost to install them? It is under \$200, isn't it?

**Hon. Mr. Snow:** Yes, I think it is about \$75 per bus or arm, I guess.

**Mr. Humphries:** There are two prices, depending on the electrical system of the bus. There are two on the back and two on the front.

**Hon. Mr. Snow:** Yes. The older buses with the extra electrical load would require generators or alternators boosted up in capacity, and maybe a larger battery size too. The newer buses would have no problem.

**Mr. G. I. Miller:** Do you have a cost on this?

**Hon. Mr. Snow:** Yes, I think I just said so. Mr. Humphries, if I may paraphrase him, and there are two costs. It is one price for the newer buses which have adequate electrical systems. If it is an older bus and they have to change the generator or alternator and put a larger power supply in, then the cost is higher. If I remember, the cost is something like \$170. I can't recall which it was for.

**Mr. Humphries:** That is if there didn't have to be rewiring. If there is rewiring, I think it gets close to \$600.

**Mr. G. I. Miller:** Does that include a new generator?

**Hon. Mr. Snow:** Yes, that would include that work. I can't see the government getting involved in paying for installation of these on a lump-sum basis. If we implement it we would have to do it by way of passing a regulation, say, giving several months for the program to come into force.

**Mr. G. I. Miller:** How many buses are there?

**Hon. Mr. Snow:** I just said not five months ago there are between 6,000 and 7,000 school buses in the province. It is a big job to retrofit all those buses. Most of the school buses in the province is done by contract and normally those contracts are negotiated to be effective September 1 each year. We have been working on this with the Ontario School Bus Operators Association.

If we do it, I think we would have to bring in a notice that these arms would be required, say, by September 1 next year or something like that to give them time to obtain the arms, get the buses refitted and, if there is added cost, which there will be, build that into their tender when they negotiate their new contracts with the boards of education.

We have done that with the implementation of the logbooks we now require for school buses. They are required to implement the logbook program as of September 1 this year. We did that with the increased safety inspection which became effective on September 1 about two years ago. It can be implemented on that basis, but there will be a cost and we would need some time to phase it in.

I think we can cover one more item. Mr. Cunningham mentioned the Burlington Skyway and had some remarks to make about the announcement. I took from his inference and his indication that nothing had been done since.

**Mr. Cunningham:** We have still got the same old bridge.

**Hon. Mr. Snow:** Well, you are so damn smart you would do everything overnight. I have to tell you that from the day that bridge was announced and the alternatives were put forward there has never been a day that project hasn't been going ahead, staged as per the announcement I made. The major environmental assessment has been carried out on the total program, from the Guelph Line to Highway 20. It was one environmental assessment that took a year to complete.

There were considerable public discussions between my ministry and the city of Hamilton and the city of Burlington, putting forward the proposals. That takes a certain amount of time. The environmental assessment was handed to the Minister of the Environment about December, if I remember right, of last year. We are waiting for the approval of the environmental assessment.

The recommended solution to the problem is the twinning of the bridge, which is phase two really. Phase 1 is the widening of the at-grade-level bridge and the widening of the at-grade road across the Burlington beach strip. It involves the Hamilton Harbour Commission and some infilling on the harbour side for the road allowance. In our construction program this year, which maybe you haven't reviewed, we have the first contract listed there under the Hamilton district for the interim capacity improvements on the Burlington beach crossing.

As for deciding on the bridge or proceeding with the design of the bridge, it is impossible for us to do that. We looked into both the tunnel and the bridge. Our recommendation is the bridge, but until the environmental assessment is complete we can't proceed with the acquisition of land. We can't proceed with the design of the bridge because the act says we can't. We must get that environ-

mental assessment approval first. I have to tell you this is something we are going to live with on every highway job of any significance in Ontario in the future, because they are all under the Environmental Assessment Act. It takes about two years—I am guessing and maybe experience will show differently—from the time we start to do an assessment, do all the work, submit it to the Ministry of the Environment and go through participation process. The Ministry of the Environment gets the comments on it and finally makes the decision.

12:30 p.m.

That program is under way. They have been working with the city of Burlington. I have had several meetings about the design and about some changes we agreed to make on the Fairview Avenue interchange. That is a major part of our five-year long-range program. One of our highest priorities in the ministry is to improve the capacity across that Burlington bridge, which includes a new five-lane bridge beside the existing bridge. We will get that into operation and then major work has to be done on the existing bridge. The existing deck has to be removed because it is deteriorating. That would be removed, the centre median removed and a new deck would allow for the existing bridge to be turned into a five-lane bridge, so we would end up with two five-lane bridges across the skyway.

I just have to say again, Mr. Chairman the program is on schedule. I can't guarantee the length of time the Ministry of the Environment will take to clear the project so we can carry on.

**Mr. Cunningham:** Your government was advised in 1971 that it was in an intolerable state. In 1975, the Hamilton District Chamber of Commerce made a presentation to you and to the cabinet because it was extremely concerned about what was going on. I know you don't build these things overnight and it is an incredible expense. I appreciate your phasing problems, and that you have to have a phase one that will accommodate traffic underneath the bridge at some point in time, and all the various negotiations between railways and federal governments, harbour commissions and cetera, but it is an intolerable state. I detect you were a little testy this morning, but you would be a lot more testy if you waited if traffic on that skyway bridge every morning as a lot of people have to do.

**Hon. Mr. Snow:** Yes, we realize the high priority of the program. We also realize it probably going to cost \$100 million and you can't build that into a program overnight but it is under way. I suggest I leave it at that point.

**Mr. Chairman:** We will adjourn until eight o'clock tomorrow evening.

The committee adjourned at 12:33 p.m.

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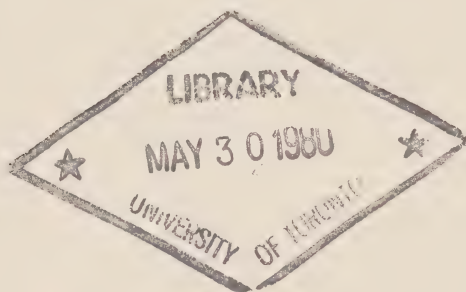
Ontario

No. R-11

# Legislature of Ontario Debates

## Official Report (Hansard)

**Standing Committee on Resources Development**  
Estimates, Ministry of Transportation and Communications



**Fourth Session, 31st Parliament**  
Thursday, May 1, 1980

Speaker: Honourable John E. Stokes  
Clerk: Roderick Lewis, QC

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# LEGISLATURE OF ONTARIO

## STANDING COMMITTEE ON RESOURCES DEVELOPMENT

THURSDAY, MAY 1, 1980

The committee met at 8 p.m. in committee room No. 1.

### ESTIMATES, MINISTRY OF TRANSPORTATION AND COMMUNICATIONS

(continued)

**Mr. Chairman:** The meeting will come to order. All parties are represented and both opposition critics are here. Mr. Minister, when we adjourned I think you were replying to some of these points.

**Hon. Mr. Snow:** I believe I was, Mr. Chairman. Thank you very much. I will try to continue coherently where I left off yesterday afternoon.

The next point I have on my list that Mr. Cunningham mentioned, I believe I had summed up on the present status of the Skyway bridge, the staged program we announced a year and a half ago, which is on schedule and will hopefully continue to

The next item was the Urban Transportation Development Corporation, the Hamilton project. I am pleased to say, the proposed intermediate Capacity Transit System demonstration project in Hamilton is progressing very well. It has been very enthusiastically received in the city of Hamilton by both the city and the region. I had an opportunity to be in Hamilton two or three weeks ago for the opening of the project office. I regret the honourable member for Wentworth North wasn't in attendance.

**Mr. Cunningham:** I wasn't invited.

**Hon. Mr. Snow:** Oh, yes, I was told you were.

**Mr. Cunningham:** I don't recall an invitation.

**Hon. Mr. Snow:** The invitations were sent out by the city.

**Mr. Cunningham:** I am sorry, with all respect, I don't recall an invitation.

**Hon. Mr. Snow:** I can't say you were but was told you were,

**Mr. Cunningham:** I would never turn down an opportunity to be with you.

**Hon. Mr. Snow:** Don't say that too loud, Eric. I wouldn't want too many people to hear it.

Mr. Chairman, that project is proceeding very well. As you know, we committed funds for the initial planning for the project. We now have the participation of the federal government. It has been working very closely with us on the ICTS program.

Although the contract is not signed yet, the federal government did commit—and I don't think this is a political event in any way, because the negotiations and the studies on the ICTS project were practically completed ready for a decision under the Trudeau government prior to the 1979 election. That delayed it and, of course, with a change in government we had to start over again with a new group of ministers. But it has been very well received at the federal level by the committee of deputy ministers that reviewed this type of project. It had been recommended, as I understand it, to the Trudeau government prior to the 1979 election and to the Clark government during its term of office.

We had applied for federal assistance for the Hamilton and Toronto systems. Toronto has not yet shown that much interest in developing the system we have proposed. But the federal government did approve the amount of money that we asked for, of which \$32.5 million roughly was to be for the Hamilton project and the balance for another ICTS project outside of Ontario without a project site being mentioned.

The federal officials are on the project team and are attending all their meetings in Hamilton and I have no indication to believe on this project that the federal commitment will not be lived up to. I think it is an excellent opportunity for us to put an ICTS into revenue service and certainly one that will be helped with the assistance of the federal government and its international contacts—through its embassies, through the trade and development department, through the Export Development Corporation—to market this

technology around the world. We can discuss that in more detail when Mr. Foley is with us next Wednesday, or whenever that is to take place.

We discussed Go Transit expansion to Hamilton. Mr. Cunningham mentioned that. If I may just try to save a little time, Mr. Philip mentioned the GO Transit extension to Oshawa. I think both of these fall into the same category. They would both be desirable additions to the GO rail system and both would be very expensive. We have really an extra couple of years on our plate that we can handle with the implementation of the Streetsville-Milton line. We are spending, as you see in the estimates, some \$50 million in capital expenditures this year for that project.

We are continuing to investigate and to study the east and west ends of the Lake-shore line. We have Dr. Soberman updating the study on the GO rail east. In both cases they are very expensive projects. It may look very simple to just extend those rail lines to those locations, but once you go past Pickering to the east the main Toronto rail bypass ties into that line and the cost of putting in the additional trackage, widening bridges, et cetera, for Oshawa, would be very expensive. I am not saying we won't do it, I hope we will. But we just do not have that kind of expenditure built into our budget at this time.

8:10 p.m.

One other thing I must say as far as GO rail is concerned, I realize the public perception of GO rail is different from that of the bus service. On the other hand, as I think I mentioned the other night, the diesel bus is certainly the most economic and fuel-efficient way of carrying passengers under all but the heaviest load factors on the rail system, when the figures I have are about equal.

We discussed transportation for the handicapped. You will see in our estimates this year substantial funding—I believe something like \$4.5 million—has been set up as the expected expenditure for the municipalities to implement or to carry on the operation of special transportation systems for the handicapped. We anticipate 44 municipalities will be operating these systems in the coming year.

Mr. Cunningham mentioned a meeting he had with Mrs. Potter from Scarborough. I have also met with Mrs. Potter and others in relation to certain issues they have brought forward, such as vehicle standards. We, as a province, do not set vehicle standards. They

are set under the Motor Vehicle Safety Act by the federal government. We are in the process, both as Ontario and through the Canadian Conference of Motor Transportation Authorities of all 10 provinces, of establishing a standard for attachment devices, et cetera, that might become a requirement for wheelchair vans. It would be much better for us to have a uniform standard through CCMTA across Canada than to have individual standards in different provinces.

As chairman of the council of ministers for CCMTA and for the Roads and Transport Association of Canada this year, I have been promoting that through the CCMTA channel, which I think is the way to go. We are also developing a set of guidelines for training drivers of vehicles designated for the handicapped. I must say, though, we do not operate these systems. They are operated by the municipalities through a subsidy shared-cost program, and the day-to-day operation of the handicapped transit is the responsibility of the municipality that is involved. Our agreement is with the municipality.

The matter of health standards for commercial vehicle drivers was mentioned, specifically diabetic drivers. I have to point out to Mr. Cunningham that the medical standards we operate under are standards agreed upon by all 10 provinces in Canada. We do have driver's licence reciprocity among the different provinces. Manitoba, Quebec, et cetera, accept drivers who are licensed with Ontario licences on their roads, because of the reciprocity agreement and the common standards that we have. If we deviate from those standards, then we would risk the possibility—I am not saying it would happen—of other provinces saying those licences are invalid in their jurisdiction. I have twice asked the Ontario Medical Association and the Canadian Medical Association to review and advise me on the standards for diabetic drivers.

At the first set of meetings we had, the two renowned specialists whom the CMA had to meet with myself and my staff, after long discussions would not change their advice to us other than that contained in the CMA manual for physicians. They put up many good points, what they felt were the main points why a diabetic driver should not drive large trucks or buses.

Following discussions in the House, presentations made by the lady from Burlington and a letter from your leader, I again ask the CMA to review the standards and suggest any modifications it could that might give the medical review committee of the ministry, which was made up of independent

medical professionals, some leeway to deal with individual cases. That is what I asked them for. I have not received that report yet. I am looking forward to doing so.

Not being a medical expert, I certainly feel bound to live within the agreement we have with the other provinces, live within the CMA standards that were accepted by the CMTA and treat everyone fairly. I certainly do not have power in the legislation, and would not want it, to give certificates of exemption to individual drivers, no matter how worthy they might be.

I am trying to deal with this in a rational way and in conjunction with my fellow ministers in the other provinces. I would hope we have the CMA recommendations before our next meeting of ministers, this August or September, here in Toronto. If there are recommendations for change they should be dealt with officially at that CCMTA meeting of ministers and adopted there. I cannot guarantee they will be.

The next item that Mr. Cunningham inquired about was Gallup polls. I do not like to refer to them as Gallup polls because they are not necessarily all Gallup.

**Mr. Cunningham:** Most of yours were.

**Hon. Mr. Snow:** Mr. Cunningham says that most of mine were. I am not so sure that is right. In any case, I did table the results of three polls in the Legislature earlier this week. In reply to the question as to the number of polls that have been commissioned between April 1, 1979, and March 10, 1980, I listed four polls we were proceeding with. Three of them I tabled this week.

One was a poll to assess the results of the construction of noise barriers on Highway 401 between Don Valley Parkway and Victoria Park Avenue. We are very interested in assessing the effect, the improvement of conditions and the perceived improvement by the residents for the capital expenditure we are making in noise barriers. That poll was carried out by a firm called Info-Results Limited at a cost of a little over \$10,000.

There was a second poll regarding fuel-efficient driving carried out by Environics Research Group Limited at a cost of \$23,000. There was also a poll carried out by Gallup regarding the level of ownership of broadcasting reception and message-handling equipment. This is required by our communications branch and the cost was \$1,430.

**Mr. Philip:** What was the purpose of that?

**Hon. Mr. Snow:** To get information regarding the level of ownership of broadcasting reception and message-handling equip-

ment. The results of the poll were tabled this week with the clerk.

8:20 p.m.

There is a fourth poll that we have had this year, again being part of an omnibus Gallup poll. I don't have the exact terms of reference for it, but it related to the social impact of communications, government regulation and questions regarding certain pay TV issues. This poll will cost about \$9,200, and we expect to receive it in June, 1980, at which time we will table it.

Those polls are all very legitimate desires to receive information relating to some of the major responsibilities of our ministry and to assess the views of the public of Ontario on certain issues and assist us in putting forward the Ontario public's position to the federal government, the Canadian Radio-television and Telecommunications Commission, or whomever, especially on the communications issues.

**Mr. Cunningham:** I would like to get the information for your November 1978 poll done by Gallup, an omnibus poll, and your February 1979 poll tabled in the House on March 11, 1980, also done by Gallup. I just want to know how much they cost.

**Hon. Mr. Snow:** Did I not give you that?

**Mr. Cunningham:** The one for February, 1979—I am not sure what it related to—my assessment of it is it would be an omnibus poll on speed limits and the acceptability of same.

**Hon. Mr. Snow:** I am sorry. I have the information here on the cost of the four polls since April 1, 1979. We tabled the other polls. We answered the questions that were raised in the House, and I thought that included the cost. In any case, if you have a specific poll that you wanted to know the purpose of, the results, or the cost, just let me know and you can have the whole thing.

The next item I had is noise barriers. We do have, as I am sure you are aware, a policy on noise barriers. We have a budget every year for the construction of noise barriers, and we have done a considerable amount of research and do an assessment on each individual site. Our noise barrier program is related only to freeways. The program is basically made up of three parts, a three-policy thrust.

One is the retrofit program, where we budget approximately \$1 million a year for the construction of noise barriers where they will be effective, in areas where the highway and the housing is in existence.

The second part of the program is the new construction area where we are widening or



building a throughway in an existing built-up area. We now build the noise barriers, whether they be straight noise barriers or berms, or depressing the grade of the highway, or building berms above it, as part of the construction project so we don't get any further behind. That was the situation in Oshawa. On the Highway 401 contract last year, the noise barriers were built and completed before the highway was finished.

We also have the policy for new residential development adjacent to existing or planned designated freeways. If a developer is going to develop land residentially against an existing freeway or one that is designated, then through the subdivision agreement it is the responsibility of the subdivider to supply the noise barriers or berms, the same as it is his responsibility to supply the street lights or the curbs or the gutter.

Needless to say it is going to be a number of years before we are able to meet all the demands for noise barriers, even at this level of funding. I think Mr. Gilbert would agree that every year since we set up this \$1-million-a-year program we have overspent. One can't just cut off at a million dollars. We pick a certain number of projects that are high priority, design and call tenders. Some years I think we have spent \$1.2 million or \$1.1 million, something in that neighbourhood, so every year that money has been spent on noise barriers, but it will be some period of years before we begin to meet the needs. The main projects which have been carried out so far are on the Queensway in Ottawa and Highway 401 in Toronto.

We have many other locations that will qualify for them, Highway 427, the Queen Elizabeth Way and some Highway 403 and QEW locations near Hamilton and general area. If we start jumping back and forth all over the province we are not going to make a very great improvement in any location.

The matter of the Fiddler's Green Road intersection or cloverleaf we have discussed with the municipality, with the engineer, and with the council of the town of Ancaster. There isn't any doubt in my mind that an interchange at that location, whether partial or full, would be desirable, but we do not feel there is evidence of a strong necessity for the interchange at this time.

The ministry is committed to extending Highway 403 in the area between Ancaster and Brantford. That is a high priority as far as I am concerned and it is a case of being able to fit these projects into our capital expenditure program for a year at a time. We will continue to work with the town. We are not saying a total no to them, or that

this road does not qualify for an interchange but we just cannot allocate points to it at the present time, because we think there are much higher priorities. The main priority in that area is getting ahead with Highway 403 between Duffs Corner and Brantford.

I think that finishes my reply to the comments of Mr. Cunningham. To get into Mr. Philip's comments, Mr. Philip made some excellent comments regarding planning and the integration of transportation modes. I think this is becoming more and more important in this time of energy conservation.

As I mentioned in my opening remarks that for the two task forces we have set up one on rail and one on the seaway and lake shipping in the province I am very optimistic they will come up with recommendations and suggestions for the better utilization of our waterways, the better utilization of our ports for shipping, especially of bulk commodities.

I am very interested in the possibility of the establishment of an across-the-lake roll off service for the movement of trailers from the eastern seaboard of the United States to either Oshawa or the Toronto Harbour, and the possibility of a similar service across Lake Erie, which would take a lot of truck transports off the highway and move them across the lake. There are several companies interested in this type of service at the present time. One is having considerable difficulty because of the lack of a port on the US side willing to accommodate them.

8:30 p.m.

I met with Mr. Misener, the chairman of our task force, this afternoon. They are in the process of setting up the schedules of meetings they will be holding. I expect to be announcing the complete make-up of the task force next week. Then they will be announcing the schedule of meetings they propose to hold in several municipalities and ports across the province.

I assure you one of the things I said the day I was sworn into this ministry five and a half years ago that I was most interested in a balanced transportation system of all modes. I still maintain that philosophy.

The next item Mr. Philip mentioned was diabetic drivers. I think I have replied to that. This was mentioned by Mr. Cunningham as well. Regarding truck safety, as Mr. Philip mentioned, I assure him this is something we are all interested in. We have had a request from the trucking industry both the auto haulers and the Ontario Truck

ing Association, for major changes in our legislation regarding the length of vehicles.

Ministry officials have been investigating it in detail and getting the results of progress in other jurisdictions. If I had to say today what the answer is going to be to these requests, I am afraid it would be in the negative. There is no doubt that many points can be made, especially for the auto haulers. They want 105 feet, but we think for it to work we would have to have 110 feet in length. The load they carry is very light. Whether they carry eight automobiles on the current truck or whether they could carry 13 or some such number on the longer vehicle, they still would not have a heavily loaded vehicle, but I am still concerned about that additional length.

The general freight carriers have indicated through the OTA their keen interest in having double 45-foot trailers. I don't know what that gets into in total length, but it is something similar. There is a project in Quebec, which has been approved by the Minister of Transport there, where one carrier is using double 45-foot trailers on a specific section of road. We are working with officials in Quebec and will be getting details on what the result of that experiment is. We won't have that yet, at least I don't though some of the staff are more up to date on that than I am.

We also know that Alberta for some period of years now has had a special-length vehicle that is allowed to travel between Calgary and Edmonton. That is on a very straight stretch of divided highway. They just break up the units as they enter the city.

My personal feeling at this moment is not to be in favour of any significantly greater length than we have at this time. Our rule always was 65 feet because of representation by the industry and the good arguments put forward of not having tractors that are too closely coupled. When we went metric, we went to 21 metres, which is 68 feet, 10 3/4 inches or something in that neighbourhood.

The industry at that time was agreeable that it gave them that additional three feet of length to allow them to have a safer vehicle. I really have had no complaints whatsoever from the public about that minor increase in length and it seems to have given the industry what it needed. Before that, vehicles were coming to the Manitoba-Ontario border with their fifth wheel in one location and, because of our length requirements, they had to shorten up and put more weight on the front axle. There were arguments that this was not as safe but they did it to meet

our 65-foot length requirement. They no longer have to do that.

We have been carrying out other research on truck safety steering. We have the research facility at Huron Park. There was a project, one in particular I know of, that was carried out within the last year or so on the steerable axle trailer and a report was submitted on that. The report, as I recall, was not as enthusiastic in support of the steerable axle trailer as the manufacturers had hoped it would be. We are not saying it is not a good unit but it does not do everything the manufacturers were saying it would. They have done a number of tests; I have seen films of tests that we are doing on different types of braking, skid resistance and things of that type.

Then we got into the matter of radioactive material and its transportation, whether it be by air, rail or road. I was as surprised as many people to hear recently of radioactive material being carried by the airlines. I was not aware that was happening. Of course, there was very little I could do about it in any case, as the licensing and controlling of the airlines is a totally federal jurisdiction, but that would not stop me from making my views known. I have not done so yet because I just heard very recently about the situation.

Regarding the transportation of all dangerous goods on highways, in four and a half years I have had many meetings with three different federal ministers: Otto Lang, Don Mazankowski and Jean-Luc Pepin. At every federal-provincial meeting we have had I have expressed, on behalf of Ontario, our desire to get the federal legislation in place. I am sure you all know the act has been introduced several times but it has died on the Order Paper for one reason or another; twice because of elections being called. We had a commitment from Mr. Mazankowski that the act would be given high priority, which it was. It was introduced, given second reading, was in committee, and then the election came along.

At our CCMTA-RTAC ministers' meeting in Victoria in January, the transport ministers in Canada passed a unanimous resolution requesting the new federal minister, whoever he was—we didn't know at that time—to reintroduce the bill in its current form so that it could proceed quickly through the House without starting all over again. As president of RTAC and chairman of CCMTA this year, I transmitted that message to Mr. Pepin the day after, or very soon after we found out who the new minister was. That bill has been reintroduced. There have been

some minor amendments, I believe, but it will again, as was said in the speech from the throne, be given high priority.

As provincial ministers, we are thoroughly committed to the bill and to its implementation when it is passed. We are also unanimous in the view that there should be federal legislation, that there should be standard legislation for all provinces. We should not go off half-cocked in individual provinces setting up our special rigs because so much of these goods travel across provincial borders.

8:40 p.m.

We have established a dangerous goods office, as we call it, or a group within the ministry in preparation for the enforcement of the federal regulations when they become law. Also, as I mentioned the other day, we are setting up a project for the vehicle inspection of all commercial vehicles carrying dangerous goods. That is one thing we could and should do here in the province.

**Mr. Philip:** May I ask a question on that, Mr. Chairman?

**Hon. Mr. Snow:** Certainly.

**Mr. Philip:** I am in total agreement with you that you have to have one federal act because of the crossing of borders and so forth.

But am I not correct in saying that the problems posed by municipalities such as Ottawa concerning the movement of radioactive materials will not be answered by that federal act, at least in the form in which it is being present so far?

It is the Atomic Energy Control Board that has failed to level with or even to meet with municipalities such as Ottawa to tell them what it is shipping, what quantities they are and to try to work out with them a strategy for shipping radioactive materials safely so that those people and the local politicians can feel comfortable.

**Hon. Mr. Snow:** I have to admit to the member that I have not read every clause of the federal act and every clause of the proposed regulations, which are in two thick volumes. I do know that the transportation of radioactive goods does not fall within our jurisdiction. As the member knows, the total responsibility for anything relating to uranium mining or aspects of that is at the federal level. I am sure when we get into the individual votes I will have staff here who will be able to go into more detail with the committee.

We were led to believe that, when this type of load was travelling, the Ministry of Labour was the ministry in Ontario that was notified such a movement was being made. I

believe that is set up and is supposed to be the practice. But we found out in checking that they were not being notified; it was not happening. I can see great problems in trying to notify every municipality of a movement going through those municipalities. If you are going to move a load from Port Hope, Elliot Lake, or from Montreal to Winnipeg, you would go through a lot of municipalities.

One thing we discussed was the fact that our ministry or our district engineers should be notified of a movement. But if there is a risk, to what degree is the risk? I am not able to assess that. If there is a common shipment with no potential risk, I don't think we need to go through all that red tape. But if a shipment were being made where an accident could create a significant risk to the public then our ministry should be involved, because they are usually the people who are called out first if there is an accident.

**Mr. Philip:** Precisely.

**Hon. Mr. Snow:** They should know what is travelling. So if there is a load of some dangerous goods we would be on hand.

What is dangerous? A truckload of gas line is dangerous, and such loads go down the road every five minutes. We're talking of radioactive goods. I feel our district engineers should know if a movement is going through their district, say, on the Trans Canada Highway, Highway 400 or Highway 401, that day. Then if there is an accident they would know what to be on the look out for.

**Mr. Philip:** It seems to me, though, if were the mayor of Ottawa or of one of the municipalities and very concerned about the going through my community—say one was going along Highway 401 in Toronto—of the things I would want would be not only a meeting with the Atomic Energy Control Board and the provincial Minister of Transportation and Communications and possibly, the Solicitor General, but also get together with the Department of National Defence.

The DND people surely are the people who have mapped out in very definite terms the way in which goods can move by road in cases of emergency. Surely they are ones who also have plans as to what are most crucial if there is a serious accident. They know where the populations are, they know where the routes are; they know what to do in case of an emergency. Yet I haven't heard from any of the federal authorities any information that the Department



National Defence is even involved in the shipment of radioactive materials.

I recognize that the Atomic Energy Control Board makes a reasonable point when it says: "Look, we can't send out notices every time we are sending out something radioactive, particularly plutonium. If we did, it would be open to hijacking and all kinds of problems."

**Hon. Mr. Snow:** You said that the other night.

**Mr. Philip:** Yes. Surely then what these municipalities have a right to do is to meet with the Department of National Defence and say: "Where is it reasonable to allow these shipments to go? What precautions are taken? Where is the best way in which, if we have to have an evacuation, it can be carried out? What role will the Department of National Defence play in helping us, in conjunction with the OPP and the Ministry of Transportation and Communications, in taking care of this disaster?" Right now nobody knows.

**Mr. Cunningham:** The first thing that could be done would be to require a colour code on all the vehicles and the containers.

**Mr. J. Johnson:** May I ask a supplementary?

**Mr. Chairman:** Yes.

**Mr. J. Johnson:** The question I would like to ask is not only about nuclear, but also about hazardous chemicals, for the simple reason that I believe they should be labelled as such and that the firemen should know how to treat them.

For example, if there is an accident, I assume the fire department will be the first ones called in, especially in a small community. There should be some direction as to how to treat that chemical. It would be natural that many fire departments would consider that they should spray it with water, which could be the worst thing that could happen.

It is my suggestion—and this stems from the highway safety committee that I sat on a couple of years ago—that there should be some instructions to the driver who is transporting the material so that there would be some way of informing whichever party—let's assume it is the fire department—about the proper method of looking after the problem if it does occur. Is there any feasibility to that suggestion?

**Hon. Mr. Snow:** We will have experts here when we get into the other votes, but that was all covered under the federal legislation, in the Transportation of Dangerous Goods Act, and the requirement for the bill of lading on board the vehicle I believe has to

state specifically what the chemical is. If there is a chemical being transported, along with the bill of lading is supposed to be the instructions for emergency neutralizers, clean-up action, what to do, how dangerous the product is and so on. To colour-code the trucks that carry the chemicals, the regulations are going to be very long and detailed if we are to deal with all these commodities that may be considered dangerous goods.

**Mr. J. Johnson:** I don't presume to go that far. I certainly don't want to become involved in the federal aspect of it, because we have enough problems with the federal people as it is. The only thing I would suggest would be, if there were a possibility that a commodity was being shipped from a point in Ontario to another point in Ontario, whether we could request the shipper to label the trucks.

**Hon. Mr. Snow:** I am sure that will be part of the new federal regulations which will be adopted. Once they are in place federally, they will be adopted by Ontario as our regulations and will be enforced.

8:50 p.m.

**Mr. J. Johnson:** The next question I would ask is, could you intercede a little earlier and ask them in the interim to label them just for the benefit of the fire department or the emergency people in the specific area that could suffer a severe catastrophe as a result of not knowing what the problem was?

**Hon. Mr. Snow:** To a certain degree that is being done now. For us to bring in regulations that would be enforceable, we would have to start from scratch and do what the federal government has spent several years on already. Surely there is not going to be another federal election for a few months—not that I wouldn't like to see one. I met for four and a half hours a week ago last night with Mr. Pepin in Toronto, and that was one of the top items on our agenda.

**Mr. J. Johnson:** I have one last request. Would it be out of order to ask the chemical companies that ship this type of commodity to comply on an indirect basis, not to demand an ultimatum, but simply have them inform the driver about what commodity he is carrying so that the fire department in this case would know how to deal with it?

**Hon. Mr. Snow:** To a great degree that is being done now. Many of the placards on the commodities being shipped are colour-coded. They advise the person under normal circumstances what kind of a chemical he is dealing with. In certain types of accidents, if the whole damned truck goes up in flames,

it is pretty hard for the guy in the fire department to know what colour is on the boxes inside the truck.

**Mr. J. Johnson:** As long as you are doing whatever you can, I accept that.

**Ms. Gigantes:** Mr. Chairman, I would like to ask a supplementary which is by way of a speculative suggestion, I guess, because of what the minister has just said.

In many situations where there is potentially a public hazard, I think we can imagine we would be facing a situation where neither the driver nor the truck nor a train car essentially survived. I am wondering whether in this age of computers it is not possible to arrange a province-wide network of information that could be drawn upon by emergency crews of whatever kind in a local area so that whenever a shipment was going out that would be plugged into the computer and whenever a disaster arose anywhere the natural reaction of whatever forces responding would be, first of all, to call the computer information office and say, "What have we got here?"

I have spent a lot of time thinking about this because of my work on the select committee on Ontario Hydro affairs. The amount of radioactive waste shipments that will be going on in Ontario, given our need to get into the waste management program, is going to be very large indeed. Considering the other enormously dangerous kinds of shipments that are going on now in Ontario, we are getting to the stage where we should be thinking of trying to use computers in a systematic way so that local forces of whatever kind can get rapid access to information.

**Hon. Mr. Snow:** One minute we are talking about dangerous goods and the next minute we are back on radioactive material. To me, they are two different things altogether.

**Ms. Gigantes:** They are and they aren't. In some ways they are similar; in other ways they are different.

**Hon. Mr. Snow:** If you wanted to have a computer punching out the route of every truck carrying gasoline or jet fuel or industrial chemicals in Ontario, I think it would be an impossible task.

**Ms. Gigantes:** Do you?

**Hon. Mr. Snow:** Yes, I do.

**Mr. Philip:** Yet go into any of the major trucking companies, and indeed even some of the smaller ones, and you will find they have immediately on their computer every truck in their operation, what it is carrying and where it is within 100 miles. It isn't all

that impossible to do. I am sure the average large trucking company would have on its one computer no more trucks than you would have on a computer dealing with hazardous goods at any one time. If I ship a shipment of beans to Florida, with a lot of the companies being in the Toronto area, I can call up the company and tell within a couple of minutes, within approximately 100 miles, where they are on the road.

**Mr. Gilbert:** When you are talking about the large truckers or the large shippers, that is very true. But, as the minister says, when you consider putting all the people involved in hauling gasoline around on one central computer, or something else like that, you run into a lot of difficulties. Certainly, as you say, the large shippers and the large haulers have computer—

**Ms. Gigantes:** If we are dealing with dangerous goods of a kind that a fire or police force is not going to be able to cope with, I think most of them, faced with a gasoline fire, know by the look of it that it is a gasoline fire. If they call up and that shipment is not recorded, they know it is not chlorine or something potentially hazardous for a large populated area. If the information on special kinds of hazardous shipments were fed into a centralized computer, that is not an enormous impossible number for a centralized computer system. I cannot see putting gasoline shipments on it, frankly. Most fire forces, if they were told that this was not a noted shipment, would know how to deal with the gasoline tanks.

**Mr. Philip:** Some of the gasoline companies tell me that one of the most dangerous shipments would be a truckload of Arrid underarm deodorant—or Ban, or whichever other product you happen to prefer—

**Hon. Mr. Snow:** I know what Ban it is.

**Mr. Philip:** —because if you heat up a truckload of aerosol cans, you have problems. The police and the firemen are better just to clear the area and let her go because there is nothing they can do.

**Mr. Gilbert:** The Transportation of Dangerous Goods Act and the regulations accompanying it—that is why, as the minister says, there are three volumes or something like that—have to deal with all different types. Whether it be Arrid, Ban or something else, such products are far more dangerous than gasoline or some other products. That has been one of the biggest problems in trying to come up with regulations for those as we understand them.

**Hon. Mr. Snow:** Take an individual product. Let's talk about asphalt roofing cement, which you use for a tar and gravel roof. When that is at normal room temperature or outside ambient air temperature, I would not call it a dangerous product. It is just barrels of tar that are hard, and there is no more danger than in a barrel of ice. But today, the way they transport that—you see them on the highways—is in big tractor trailers with the propane heater built into them. They pick up hot at the refinery. They transport it at a high temperature on the highways. That commodity, when it is that temperature, is a dangerous commodity as far as I am concerned: not when it is cold, not when it is 50 degrees, but when it is 250 degrees. All that has to be covered in regulations.

**Ms. Gigantes:** That is true, but there are certain kinds of commodities. If we move away from the regulation aspect and talk about the information aspect in terms of public safety and health, there are certain kinds of commodities and certain kinds of shipments which under emergency circumstances constitute a public hazard on a very wide scale. I am referring to poisonous or extremely explosive gases that will disperse over wide areas and may necessitate evacuation of areas. There are also radioactive materials. It seems to me, for those kinds of shipments where one can say something goes disastrously wrong, we have a huge problem on our hands. What we should be looking at is more information, not just regulations.

**Mr. Gilbert:** On how to handle the spills?

**Ms. Gigantes:** How to handle an emergency.  
p.m.

**Mr. J. Johnson:** The point I was trying to make, and I don't undervalue the problem, is simply that there should be some instructions for the firemen to handle the commodity if there is a spill. I am not sure how we can do it, but it isn't a matter of telegraphing someone. It is simply a matter of giving some instructions that either they spray it with water or don't spray it with water. They do something with it. Regardless of what the federal people are doing, I think we have an obligation to the people in this area to provide our fire people with some type of instructions on how to handle a commodity.

**Hon. Mr. Snow:** Let me answer that. I have tried very sincerely to explain that if we were to start to develop from scratch Ontario regulations to deal with the problem

you are talking about, we would be starting five years back down the road. We have federal regulations that have been worked upon for more than five years. I don't know when that started, but certainly it was under way when I became minister four and a half years ago and has not yet been completed.

I brought in legislation in the House at least two or three years ago in one of my amendments to get authority from the Legislature to adopt federal regulations as Ontario regulations for the transportation of dangerous goods. The minute the federal regulations are available, we can pass an order in council under the present legislation to adopt those federal regulations as ours. I am very hopeful that this summer or in a few months we will have that federal legislation and the regulations available, which will be much sooner than we could ever bring something into force by starting from scratch.

**Mr. J. Johnson:** One last request. Would you write a simple letter to the chemical companies asking if they wouldn't advise the truckers about the chemicals they are shipping? I don't mean to go into a detailed explanation, but something on how to handle an emergency if it occurs. That is all.

**Hon. Mr. Snow:** I will check into that and will get a complete answer for you. I think that is done now to a major degree.

**Mr. Haggerty:** I sit on the select committee dealing with Hydro too and I have raised this point on a number of occasions. They are trucking in radioactive waste or whatever it may be from as far as Virginia in the United States to Chalk River. There is a continuous flow of trucks both ways, transporting nuclear waste, and it is of rather a toxic nature. You were talking about the pitch truck with a built-in heater travelling on the road. That can be rather dangerous.

What you are doing by permitting the movement of toxic or chemical waste on our highways, if there is a breach of containment, is putting the onus on the local municipalities for the cost of providing additional fire services. When they get into areas like this, they are going to need special equipment. Equipment today is costly for municipalities. I suggest if you are going to permit this type of transportation of toxic chemicals—

**Hon. Mr. Snow:** Excuse me. You are now talking about radioactive waste.

**Mr. Haggerty:** Radioactive is a toxic chemical.

**Hon. Mr. Snow:** Then you are talking toxic.



**Mr. Haggerty:** It is a toxic material. Let's put it that way. That would cover the whole broad area of toxic material and the transporting of it. If you are going to move in that direction, then you should be making an additional cost to the trucking industry in case of a breach of containment. As I said, you are going to count on local municipalities to provide that emergency protection, and in many cases they are not equipped. I know that a number of fire departments have a card file in their vehicles when they are called out to an accident on the highway, because they don't know what they are going to encounter, what a truck is carrying or the load that is in the tank. If they have an idea of what it is, then they go to the card file, pull it out and know which neutralizer to use. In some cases water can be used and in other cases it cannot be. They may have to contain it in a small pond along the roadside or something like that.

You are putting an extra cost on municipalities. If you are going to be collecting revenue from the truckers, then I think some of that should be passed on to municipalities in order to have, say, in the Niagara region a special vehicle for emergency firefighting along the Queen Elizabeth Way or any municipal highway or any road connecting to a provincial highway.

**Hon. Mr. Snow:** We do have an arrangement with the municipalities that are called out to deal with fires or problems with trucks or vehicles of any kind on our highways. We pay the municipality the cost of that call.

**Mr. Haggerty:** Is there a chargeback to the trucking firms?

**Hon. Mr. Snow:** We will, if possible, recoup that. You are talking about trucks.

**Mr. Haggerty:** I mean the trucking industry.

**Hon. Mr. Snow:** There are lots of automobiles that burn up too on the highways.

**Mr. Haggerty:** An automobile is a little different thing.

**Hon. Mr. Snow:** If a car catches fire on Highway 401 or the Queen Elizabeth Way, it still requires calling out a fire truck from the municipality to deal with that fire. The municipality bills the ministry for the cost of that fire truck. Just as if the driver knocks down a lighting standard or breaks a guard-rail, we make a claim against the owner of that vehicle or his insurer for that cost. What percentage of those costs do we recoup, Mr. Wood?

**Mr. Wood:** It is probably about 50 per cent at the most. It is very low, and we have great difficulty in recovering it.

**Hon. Mr. Snow:** It is not easy to recover.

**Mr. Haggerty:** You are looking at the average of the Blue Jays at the present time.

**Mr. Gilbert:** We have taken the responsibility from the municipalities.

**Ms. Gigantes:** This is probably not the point in estimates to enter into a prolonged discussion, but I would like to leave the information system idea with the minister.

**Hon. Mr. Snow:** It is something that is very active in our minds at present. As I say, the whole matter of the transportation of dangerous goods is a very complex one. We are very anxious to get the federal legislation enforced, and we will do everything within our power.

**Ms. Gigantes:** But we know that regulations on that always prevent disasters. How we deal with disasters in Ontario is something we have to start being creative about.

**Hon. Mr. Snow:** I believe when you get into dealing with spills, once a spill takes place, it would be under the legislation of the Ministry of the Environment in the new spills legislation.

**Ms. Gigantes:** But on the information system we have had lots of examples of how that doesn't work, even when the Ministry of the Environment sends people to a spill which may not involve a vehicle.

**Hon. Mr. Snow:** I will try to continue with my summing up on my comments of the two critics.

**Mr. Cunningham** mentioned vehicle inspections for trucks. I think I have covered what our plans are in that area. We are moving into the inspection program for tank truck and those trucks carrying dangerous commodities.

He referred to lack of enforcement on Highway 401. That is what I have written down here. I forget exactly what type of enforcement he was referring to. We have an enforcement branch in our ministry that deal with certain types of enforcement: enforcement under the PCV act, enforcement of the weights and measures of vehicles and inspection of vehicles to make sure they are safe. When it comes to the enforcement of the Highway Traffic Act, the speed limits and things of that type, it is basically the responsibility of the Attorney General or the police force in charge of that particular area.

A little later on, but very much in the same area, the member presented me with the petition signed by many truck drivers.

10 p.m.

Mr. Philip: On that, Mr. Minister, if I say, there are some extra ones here. They show total 3,139. They were in my office last night.

Hon. Mr. Snow: I will keep gathering them.

Mr. Philip: They assure me there's another 10,000 or 50,000 coming.

Hon. Mr. Snow: I will make this point to my colleague the Solicitor General, but enforcement of that type is not the responsibility of this ministry. It is in certain jurisdictions. When you get into certain states in the United States, the highway patrol is part of the highway department. That is not the case in Ontario. In Quebec, I believe it is. The Quebec Provincial Police Force deals with certain enforcement, but in the United States the highway patrol comes under the highway department.

Mr. J. Johnson: Would that be better?

Hon. Mr. Snow: Mr. Johnson asks if that would be better. I am not sure that it would be. I think the Ontario Provincial Police and the police forces of the province do a very good job, and I am not sure we should be duplicating the services of the OPP with another enforcement agency.

The matter of someone driving at 50 miles an hour on the Queen Elizabeth Way in a 30-mile zone, or 80 kilometres in a 100-kilometre zone, and starting to give people tickets for driving below the speed limit, I am not sure I am very much in favour of that.

Mr. Philip: I don't think that was the point we were making, Mr. Minister.

Hon. Mr. Snow: That was the point you made to me, that people were driving in the middle lane—

Mr. Philip: In the middle lane, which is a big difference.

Hon. Mr. Snow: —at less than the speed limit.

Mr. Philip: The law, as I understand it, is that the slow traffic is to be in the right-hand lane. You have prohibited trucks from driving in the third or outside passing lane. I am suggesting to you, as are these truckers, that the cars that idle and piddle along in the middle lane when they should be in the right-hand lane are the cause of accidents, and we have to deal with that problem.

Hon. Mr. Snow: They are certainly the cause of frustrations, I will agree, but you also get those in the third lane as well. I

tend to be a third-lane driver to some degree, in the so-called fastest lane.

Mr. Cunningham: I thought so.

Hon. Mr. Snow: Only to the degree of the limit. But I still find people driving in that lane at below the speed limit.

Mr. Philip: But they are not being tailgated by a 10-ton truck in the third lane.

Ms. Gigantes: Oh yes, sometimes they are.

Mr. Philip: If they are, then the trucker gets a ticket.

Hon. Mr. Snow: Sometimes they are. I noticed one about three weeks ago, late on a Friday afternoon, going out on Highway 401. I wish I had been a law enforcement officer and had a siren and a red light at that time, because there was a truck cutting in and right out into the third lane. You don't see it happening that often, but it was that particular case. I was looking in my rear-view mirror to see if I couldn't see a police car some place.

Mr. Philip: I hope you reported him to the Ontario Trucking Association.

Mr. G. I. Miller: Could I ask a supplementary to that?

Mr. Chairman: Yes.

Mr. G. I. Miller: Isn't there a 125-foot limit that trucks are supposed to stay apart?

Hon. Mr. Snow: I don't think it is 125 feet, Mr. Miller. It is more like 200 feet.

Mr. G. I. Miller: How effective has that been?

Hon. Mr. Snow: The law is there. There has been an improvement, but it is very hard to enforce. The problem is, if a truck is 200 feet behind the vehicle ahead and a car goes by and pulls in between them, all of a sudden there is no 200 feet left. How can you expect that truck driver immediately, in a split second, to decelerate to 200 feet? By the time he does, another car has pulled in. The general rule is there, and if the police see a truck deliberately tailgating, I think they will lay a charge against the driver, but if they see a car or another truck, or whatever, pulling in between him and the vehicle in front, I don't think they would lay a charge against him.

Mr. G. I. Miller: Does your ministry know if there have been any increases in charges, on that basis?

Hon. Mr. Snow: I would have to check with the Solicitor General on that. We made that change in the legislation just last year.

**Mr. G. I. Miller:** I wonder how effective it is and whether it is doing the job it was intended to do.

**Hon. Mr. Snow:** It's like so many of our laws. The law is there; it's available to deal with obvious offenders. The police don't go out and sit for hour after hour just watching how close vehicles are to each other. They have more important things to do.

**Mr. Cunningham:** On the subject of driving too slowly, I think your statistics would indicate fewer than 200 convictions per year. I think Mr. Philip has made a good suggestion to you. Possibly in your discussions with the Ministry of the Solicitor General you might advise them to become more diligent in the enforcement of that legislation.

When I see only 200 convictions a year, if I were working on a commission basis, I think I could get about 100 a day on the Queen Elizabeth Way. I'm not saying everybody should have to drive right at the speed limit, but I think there are a lot of vehicles on the highways that are not up to the speed limit or are driven by people who shouldn't be on the highway at all.

I see it regularly on the QEW, and I know Mr. Johnson must see it on Highway 6 all the time.

**Mr. Philip:** On that same topic, it's not just that automobiles are using the centre lane and not driving at the speed limit, holding up traffic and perhaps tailgating. One of the problems also seems to be that, with certain trucking companies, certain trucks are underpowered for what they're carrying. They legally meet all the safety checks because they're not overloaded when they come up to the scales, but their horsepower and perhaps the power train aren't sufficient to carry the kind of weight they have.

You end up with the kind of situation where, the moment you get to a hill, one of these large transport trucks crawls down to 20 miles an hour. If you happen to be on a two-lane highway and you want to be driving at the speed limit, particularly if you happen to be a trucker who has to gear down, I suggest that poses a real hazard, not only to automobiles but also to trucks that are properly powered for what they are carrying.

I'm wondering whether you've looked at this problem. It's a problem that has been brought to me not so much by motorists but by truckers, who say they get very frustrated with other truckers in this regard.

**Mr. Cunningham.** It happens all the time with cars as well. With smaller cars, and people moving to six-cylinder cars, you just

need to take a look at Highway 400 on the Victoria Day weekend, as people go up to cottage country for the first time in the year, and you'll see dozens and dozens of cars that are underpowered and without proper braking facilities, but are pulling house trailers, trailers with junk on them, boat trailers. It's a real problem on the highways.

**Hon. Mr. Snow:** That may be a problem, Mr. Cunningham. I don't know how you're going to legislate that everybody have a 360- or 460-cubic-inch engine.

**Mr. Cunningham:** I don't know, but I'm reluctant to see some of these cars pulling trailers and boat trailers. A guy is fully entitled to drive a car. More often than not I drive a four-cylinder car but I'm not prepared to drag a boat behind it. It's just common sense. But not everybody will do that.

**Mr. J. Johnson:** If you slow down 10 miles per hour, there's no problem.

**Mr. Cunningham:** If you had to put on the brakes, as you often do on that particular highway, whether it's with a truck that's underpowered and hasn't got the proper braking facilities, or an automobile, you have accidents. You'll see two or three accidents on Highway 400 on the Victoria Day weekend, I can assure you.

9:20 p.m.

**Mr. Philip:** The manufacturers can tell you what the cab is capable of doing. The problem comes when somebody goes in to buy a truck and he has only X dollars. The salesman knows he will get the sale on the lower-priced model, with less horsepower. He says: "It will do what you want. It may be a little slower on hills and so forth, but it will do what you want." As a result the fellow goes out with a truck that is not adequately powered for what he has to do.

But if you go to the manufacturers, they will tell you exactly the capability of whatever they're selling. They've got specs on it. There must be some way, in co-operation with the manufacturers, at least vis-à-vis trucks, of finding what you have to have in order to pull this kind of load.

**Mr. Gilbert:** But a lot of this is due to the drivers themselves. They know full well what they can do. I'm sure on occasion you have followed truckers, side by side, and most of them know what one another's capacity is.

To say that the police should try to enforce that—I often wonder as you do, where is policeman at this particular time? The cannot be all over the place. It's the same on a two-lane highway. Particularly in the north—as Mr. Wildman knows—on local



ades we've built a lot of truck climbing  
nes, and we're doing it in southern Ontario  
well, to try to assist in that area. But a  
t of it has to go back to driver attitudes.

We talk about the Ontario Trucking Association, but to be fair to the OTA they have  
ied to run programs to change the attitudes  
drivers. That's really where you have to  
m at, the attitude of the drivers, because  
ey know the capacity of their vehicles.

**Mr. Philip:** But if I'm a driver, and I'm  
ld to go from here to Renfrew, and I know  
in underpowered for the kind of hills I'm  
ing to face on Highway 45 or wherever,  
and I know the kind of terrain I'm going to  
st into, I've got a choice of either taking it  
losing my job. It is the company that de-  
des what kind of power they're going to put  
a particular load. They know from the  
manufacturer what they're capable of.

The fact is that some companies are under-  
powering their trucks. That is what causes  
the problem.

**Hon. Mr. Snow:** Mr. Philip, I've had many  
discussions with the trucking industry. I had  
a very interesting discussion a few months  
ago with some people in the trucking in-  
dustry. They work very closely with con-  
sultants and with the truck manufacturing  
companies in establishing the transmission,  
the rear-end ratio and the power unit in the  
vehicle.

I cannot recall the exact percentage, but  
if comparing the standard cab truck to a  
cab-over truck—and this is something I didn't  
realize, that it made that much difference—  
they require a size larger engine on a cab-  
over truck to carry the same load and give  
the same performance as a standard cab  
truck. Because of the big, square, high front  
and the lack of streamlining and wind resist-  
ance, they have to go to the next size engine.  
This is one of the discussions we've had on  
the overall length of the truck.

Many companies go to the cab-over truck,  
not because they want cab-over trucks, but  
because they get a shorter tractor, which  
allows them to stay within the 21-metre  
length. There have been discussions as to  
whether our length—I noticed and marked in  
a press clipping I was looking at yesterday,  
to be discussed with my staff, that Manitoba  
has just changed its regulations to some  
degree. This was a little article in *Bus and  
Truck Transport*, or one of the magazines.  
The length of their vehicle is basically the  
length between the kingpin and the rear of  
the unit. They're not worrying about the

length from the kingpin forward. In other  
words, there is no penalty to the trucker if  
he has a standard cab and a longer wheel-  
base tractor which rides better, steers better  
and is more energy-efficient.

That is something I want to look at here.  
I have discussed it with my officials and  
they're probably looking into it, I noted with  
interest yesterday, in going through some  
material, that Manitoba has made a change.  
I want to discuss that.

**Mr. Philip:** The basic argument was in  
terms of energy conservation.

**Hon. Mr. Snow:** Another thing that was  
very interesting too was tire wear relating to  
speeds. The difference between tire wear on a  
truck travelling at 50 miles an hour and a  
truck travelling at 60 miles an hour is very  
substantial. They get many more tens of  
thousands of miles out of a set of tires at 50  
miles an hour than they do at 60. It's not a  
little bit; it's very significant. I can't recall the  
exact figures now, but I know some major  
truck operators have told me they are giving  
a bonus to their drivers to drive at 50 miles  
an hour. Many of these drivers are paid a  
basic weekly rate, plus a mileage rate. The  
more miles they get in during a day, the  
bigger pay cheque they have at the end of  
the week; so they want to drive at the speed  
limit.

One company I talked to was offering a  
bonus of either a half a cent or a cent a mile.  
When they turn in the recorder on the truck  
every day or every trip, if the speed limit has  
been kept to within 50 miles an hour, they  
would get the bonus on that trip because of  
two things: saving on tire wear and the saving  
in fuel. This has saved the company enough  
money so that it could afford to pay the driver  
an extra penny a mile or whatever. So the  
driver doesn't lose any money in his pay  
cheque at the end of the week.

This is a different attitude today on the part  
of executives of trucking companies compared  
to what there was just a year or two ago.

**Mr. Philip:** It might also overcome the  
teamsters' objection to lowering speed limits.

**Mr. J. Johnson:** I have one brief supple-  
mentary in answer to Mr. Philip.

**Hon. Mr. Snow:** I'm trying to sum up my  
initial remarks; then we'll get into questions.  
But never mind; go ahead.

**Mr. J. Johnson:** I'll just take one minute.  
Mr. Philip should travel on Highway 10. If  
he can catch a truck on Highway 10, he is  
doing well, because they don't travel at the  
limit.

**Mr. Haggerty:** I didn't think the road was in that good a condition.

**Hon. Mr. Snow:** Highway 10 is a great road.

**Mr. Haggerty:** Then you must be flying.

**Hon. Mr. Snow:** That is the road that Mr. Sargent got so many tickets on that he gained 16 points.

**Mr. Philip:** Mr. Johnson, you can check with Ms. Gigantes. I've driven her to the airport a number of times. Ask her whether or not I can catch any truck on the highway.

**Ms. Gigantes:** I've only ever had one flat. A truck driver stopped and said that if you drive slowly your tires wear out.

**Hon. Mr. Snow:** Those comments could lead to further questions, but I won't delve into that. What you were doing on Highway 10 getting to the airport, I don't know.

**Ms. Gigantes:** You could fool me.

**Hon. Mr. Snow:** Unless you were going to Warton Airport, I can't really think of any reason why you would be on Highway 10.

**Ms. Gigantes:** Why were we on Highway 10?

**Hon. Mr. Snow:** Yes, why were you on Highway 10?

**Mr. Philip:** A better question is, why were we travelling so fast to make up time?

**Hon. Mr. Snow:** That is another question that shall remain unasked.

Mr. Philip made some comments regarding research and development into different methods but, more specifically, the use of waste rubber as a component in paving material or producing what we call rubberized asphalt.

I would like to explain some of the co-operative research that goes on in Canada. Through the Roads and Transportation Association of Canada, of which the federal government and the 10 provinces are the major components, but which includes municipal representatives and a large number of industrial members, we have a very good program of co-operative research.

9:30 p.m.

Mr. Philip mentioned research being carried on in Saskatchewan. My officials would have full access to that research through RTAC, as would any other province have full access to research we are carrying on in any way. There is no use in half a dozen people running around trying to invent the same square wheel, a better lightbulb or a better mousetrap, as Stanley Randall probably would have said.

From what I remember of our last discussions as ministers sitting around at a conference, we in Ontario have probably been doing more work on recycling asphalt than anyone else, and we are having people come to find out about our program. We have been doing energy efficiency studies on the recycling of asphalt, because it does take energy to recycle.

We have been doing research on using sulphur in asphalt. There is a company up in the Marmora-Madoc area that has a mine of some kind. They are producing some kind of a material that we have done research on as an asphalt mix. I know the city of North York has put down some experimental patches.

The municipalities, our ministry and all the other ministries draw on foreign research. We know what is going on in every jurisdiction in North America and around the world in new methods.

We can discuss this further when we get into the detailed discussions on our votes, but we are quite successfully getting into recycling of asphalt on some of our major contracts on the Queen Elizabeth job. In the Oakville area, I know the asphalt being stripped off there is being trucked to the asphalt plant, crushed and mixed in with certain portions of new material, and I understand they are supplying quite a satisfactory mix for base course. I don't think we are using it all for surface course asphalt.

**Mr. Haggerty:** Wouldn't a sealer serve the same purpose and put new life into it?

**Hon. Mr. Snow:** I don't know what you mean.

**Mr. Haggerty:** In some cases—

**Hon. Mr. Snow:** I think you misunderstood me. I am talking about where—

**Mr. Haggerty:** You are breaking up the road.

**Hon. Mr. Snow:** —we are breaking up the road. In some cases where you are doing work, there are many layers of asphalt; for instance, where Highway 403 goes under Highway 5 in the Mississauga area. There is a fourlane section of Highway 5 there—quarter of a mile or half a mile long—when the asphalt had to be removed to build the overpass. Since that section of highway is four lanes wide, I would imagine in some places the asphalt would be more than a foot thick, layer after layer built up. That stuff was all lifted up, rather than waste it, take it back, crushed and recycled. You not only save the aggregate, which is a natural source today that is not overly plentiful, but you also save the—

**Mr. Haggerty:** I am not being critical of your research in this particular area. Look at Highway 3; I suggested to you a year ago that if you didn't put a sealer on there, you were going to lose it. You would have to lift up 10 or 15 miles of asphalt and take it back to the plant, recycle it and bring it back again. The question is, should you be putting on sealer every so often—they call it resurfacing—to bind the material back together again where it has broken up through the winter months?

**Hon. Mr. Snow:** I don't see very much sealer being used in most of the highway maintenance program. We normally do a lift of hot-mix asphalt.

**Mr. Haggerty:** Yes, but years ago you used to put the sealer on.

**Hon. Mr. Snow:** On high-traffic highways that is just not the answer. We use a lot of so-called sealer in the north on secondary highways—or prime and sealer, as we call it—in either a single coat or a double coat. That stuff is getting awfully expensive; I will tell you that right now. The specific type of liquid asphalt that is used is getting very expensive.

We did a study a few years ago on the costs of paving the road to Pickle Lake, the longest highway paving contract ever awarded in one contract by the ministry, and perhaps in Canada. That one contract was for 703 miles of paving on the highway running up to Pickle Lake, and in that case we did cost studies on the prime and surface treatment and the chips. We were able to move in a plant and do that 103 miles with hot-mix asphalt at no more cost than it would have been to do it with tar and chips.

Basically, in most of our resurfacing, when a highway needs resurfacing, we do a lift of hot-mix rather than what you are talking about. But we still use a lot of tar and chips on secondary roads, as do the municipalities.

**Mr. Haggerty:** In one particular area of Welland county at that time—

**Hon. Mr. Snow:** Please, Mr. Chairman, can I finish my summing up and not get into discussions?

**Mr. Haggerty:** I thought you were going to get into a little research. All right, we'll let it go. We'll catch it later.

**Mr. G. I. Miller:** How is concrete as compared to asphalt?

**Hon. Mr. Snow:** I will be glad to discuss concrete versus asphalt when we get into

provincial roads. I will give you all the information on it.

I was replying to Mr. Philip's comment on—

**Mr. Philip:** We were talking about rubberized pellets, I believe.

**Hon. Mr. Snow:** In the co-operative research program we have, we know about this. When we get into the research and development vote, I will be quite happy, when Mr. Campbell or others will be up here, to answer technical questions you may have about these specific reports. I am just trying to give you a general overview of what we are doing in this area and the fact that we have the availability of all this research. In fact, our people present papers at conferences in other provinces, as well.

You mentioned GO service to Oshawa. I think I replied to that in replying to Mr. Cunningham. I would like to mention other things we are doing in trying to improve transit generally. We are getting into integrated fares. Although Mr. Cunningham wasn't aware of it, we do have, and have had for quite a period of time, monthly passes for GO Transit.

**Mr. G. I. Miller:** How about passes for members?

**Hon. Mr. Snow:** No passes for members. Even the minister doesn't get a pass.

**Mr. Cunningham:** The minister has a driver.

**Hon. Mr. Snow:** I do not have a driver.

**Mr. Cunningham:** Are you still driving yourself?

**Hon. Mr. Snow:** I am still driving myself. I have not had a driver for more than a year now.

**Mr. Cunningham:** The next thing you know, you won't have a deputy minister.

**Hon. Mr. Snow:** The next thing you know, I am going to be riding my bicycle.

We do think there are great opportunities in integrated fares between systems. We introduced a test program in the city of Brampton last year where a person rides free on Brampton Transit if he is going to the GO station. The cost of that is absorbed 25 per cent by the municipality and 75 per cent by GO Transit; so it costs GO Transit 37.5 cents to get the rider there via Brampton Transit. The rider doesn't pay anything for his ride. The ridership on those routes to the GO station has gone up very substantially since this program was implemented.

9:40 p.m.



The end result is that for the 75 cents a day—it costs 37.5 cents to get him home at night, too, of course—and we cannot supply parking space for 75 cents a day to allow the guy to park free, it is cheaper for us to give them a free ride in a way.

We are investigating this with other areas but, of course, it is only for rides to the GO station, for people who get off in the city. We are investigating this with some other municipalities. We are also negotiating with the Toronto Transit Commission. Now that the TTC has finally made the decision to go into a pass system—I haven't seen any official reports, but from all press reports it is going over perhaps better than the TTC thought it would—we would like to see some system worked out. We are working with them now towards having a special GO Transit pass that would include a TTC pass as well. If we had that, for instance, with the system in Brampton, with one pass a person could travel on Brampton Transit, GO Transit and the TTC to get to his destination.

We are not going to give them free TTC rides at this end, but we think some type of a co-operative pass, along with the integrated fare at the originating end of the commuter run, would do a lot to encourage people to get on the transit. So those studies are under way.

As I mentioned, we are spending approximately \$50 million a year on capital improvements for GO Transit at this time, and that is quite a healthy bite out of our budget.

Mr. Philip, you mentioned the confidentiality of driver records. You commented on our confidentiality of health records, with which I agree. Health records submitted to our ministry for licensing purposes are for the eyes of only a few officials in the ministry. They are confidential; they are not made available. We put that in the legislation a couple of years ago. It always was the ministry policy, but we put it right in the legislation.

As far as the driving records of drivers are concerned, I will be interested in seeing what comes out of the studies that are going on into the confidentiality of records, but at present the policy of the ministry is that those are public records; they are court records. One has to have a conviction in the court before the record goes into our computer, and we do make those records available for the \$3 fee.

They are used to some degree, I think, by employers who may be concerned. An employer may hear that one of his drivers may

have lost his licence over something and he doesn't want him driving one of his vehicles on the road, especially if it is a school bus or something like that. In fact, we have had some representation—I wouldn't say strong representation—from the school bus operators' association, for instance, or some of the trucking companies, to supply wholesale printouts. In other words, they send us in a list of 100 drivers and they want their printouts, not for any other reason than just to verify that their drivers all have current licences, that they haven't forgotten to renew them or they haven't lost them and failed to report the fact. I don't think that is commonly used. I think most of the use is either by the police or for insurance purposes. As I say, at the present time the policy of the ministry is that those are public records—really, records of the court—and we make them available for the fee.

I think I am getting pretty near the end here, Mr. Philip. You referred to the Canadian Pacific licence issue. That is an interesting one indeed.

**Mr. Philip:** I would be willing to discuss it when Mr. Alexander is here if you would rather.

**Hon. Mr. Snow:** Yes, it is an interesting situation. Canadian Pacific Express have been in business in Canada for more than 100 years hauling express. If we go back in history to when they first got into hauling express other than on the railways, they bought a company in Thunder Bay 50 or 60 years ago that had a licence of some kind to haul there.

Smith Transport, as I understand, has the licences to carry the freight anywhere in the province. Technically, CP Express does not. There is a lease arrangement of some kind between CP Express and Smith Transport. CanPar is in this whole thing as well. But in looking into this thing very carefully, the advice I have is that CP Express as such does not have the operating licenses it needs to do the service it has been doing in Canada ever since the truck was invented, more or less.

It is a narrow interpretation of who the driver is employed by and the termination of the lease agreement between Smith Transport and CP Express. To clear up the matter, when I discussed it with the officials of CP Express I told them as far as I was concerned they had three options. The first is one that they suggested, that they apply to the federal minister for an exemption, under the Public Transportation Act, from provincial regulations. I told them I would fight them to the nth degree with everything we could possibly

to if they attempted to take that route. That is the route Mr. Quinn tried to take, as you may recall, a couple of years ago.

The second option is to make the necessary incorporate moves to operate legally under the Smith Transport licences.

The third option is to apply to the Ontario Highway Transport Board for a new licence which they would need to operate in the way they are.

I have not heard which route they are proposing.

**Mr. Philip:** I suppose they may have been looking at the fourth option, which is to pay the piddling little fines of \$100 which they get when they go to court.

**Hon. Mr. Snow:** I have to admit we could probably put all our enforcement officers out here and start laying 100 charges a day against CP. On the other hand, they have a long tradition of serving the country. They have hundreds of trucks and thousands of drivers, or perhaps thousands of both, in Ontario—I forget how many—and I think it would be a tremendous disruption to those employees and to the people they serve. It is something we are going to have to deal with. We have convictions against them that I think prove our interpretation of their licences and their lease and that they are not operating legally—

5:50 p.m.

**Mr. Cunningham:** Mr. Minister, say I want to get involved in the delivery of small parcels; I want to offer the same kind of facility as they do. What is to stop me from making an arrangement by way of a lease with a licensed carrier? Quite frankly, Mr. Philip has raised a very significant problem, and I imagine we might get into more detail when the appropriate vote is up, but so far the courts have decided on four separate occasions that CP does not have operating authority, notwithstanding arguments that they may make within the context of the Railway Act or whatever they may use, that they are operating illegally and, as a result of legislation we have passed within the last year and a half, people who utilize the service, as shippers, are also subject to the possibility of a penalty were charges to be laid against them.

We have brought in legislation to bring about some shipper responsibility, which I think is important. You have CP ostensibly operating without benefit of a licence and without any kind of rationale as to why they should do it, notwithstanding their long tradition of service in Ontario.

It leaves an extremely inequitable situation. A certain case is before the board right now, so I don't want to hypothesize on what particular judgement may come on a case now pending, a very big case. But, if that company were to lose, the option might be available to it to approach a company and attempt to work up some kind of leasing arrangement. It's a problem that requires some attention as soon as possible.

**Hon. Mr. Snow:** Yes, I agree. I don't take the thing lightly. It came to my attention not too long ago when we looked into this thing carefully, but because it is CP, that doesn't give them a licence to operate illegally any more than it does anyone with one little pickup truck delivering parcels. Although we have been laying a number of charges and getting convictions, we have not moved to immediately put all those drivers out of work and take the service away from the people who are using it. I think CP is going to have to make a move very soon to correct the situation in one way or the other.

**Mr. Cunningham:** Again, there is a particular case before the board that doesn't necessarily require any comment with regard to whether the licence should be granted, but I just find that the position that CP has taken in the recent United Parcel Service Canada Limited hearings to be the all-time record demonstration of pluck and temerity.

I am just amazed that Mr. Sanderson can make representation on CP's behalf and intervene against a particular company during the course of the hearings when the company he's employed by has been convicted on four separate occasions and doesn't have a licence itself. If that isn't one of the most amazing demonstrations of pure unadulterated hypocrisy, I have never seen one. I don't know what your views are on that.

**Hon. Mr. Snow:** I don't agree with you too often, but I can't argue with your statements in the last few seconds. It's an interesting situation.

**Mr. Philip:** It just goes to show why you have consensus government.

**Ms. Gigantes:** I'm curious when you say they are going to have to decide what they are going to do very soon—or else what?

**Hon. Mr. Snow:** The whole issue of regulated trucking is somewhat of a laugh if CP is allowed to run 500, 600, or 700 trucks, or whatever number it has around this province, without properly being licensed.

**Mr. Cunningham:** They are increasing it all the time.

**Hon. Mr. Snow:** They have three options that I see they have to move upon.

**Ms. Gigantes:** Or else?

**Hon. Mr. Snow:** Or else we will really have to take very serious action against them.

**Mr. Philip:** It must be very frustrating for people such as in Algoma riding where they are getting service from a company like UPS. There's a company running in cars and all kinds of things as a way of trying to deliver a service until a decision is made on its licence application. Yet Canadian Pacific can operate with full vehicles, a full service—

**Hon. Mr. Snow:** Perhaps you should discuss this with Mr. Alexander when he comes before the committee.

One other thing. I have been able to get two copies of the rescue and extrication report, which I will give to the two critics.

**Mr. Philip:** Is there an index in it? I want to look up Simcoe Rescue Squad right now.

**Hon. Mr. Snow:** I got those from the Solicitor General (Mr. McMurtry) today for the two critics.

**Mr. Cunningham:** I want to register again my complaint about a discourtesy. It's not your fault, necessarily. I see the report is dated July 11, 1979. Whether it is you, or your ministry, or more significantly I suppose the Solicitor General, you're well aware of my interest and Mr. Philip's interest in this particular matter. They know how concerned we are about it.

This is dated July 11, 1979, and we get it right now. I want you to know it's discourteous.

**Hon. Mr. Snow:** I appreciate your comments.

**Mr. Cunningham:** It's a discourtesy to you, as well.

**Hon. Mr. Snow:** It is not my report. My officials sat on the committee, the inter-ministerial committee, that worked together. It was not my report to release.

As a matter of fact, you have spent more time looking at it now than I have, because I just got those two copies as I walked in here tonight and I haven't had an opportunity to look at it.

**Mr. Cunningham:** As I say, it's discourteous to you as well.

**Mr. Philip:** But your officials did know of our concern, because we met with them. I must say, Mr. Cunningham and I were in agreement that a majority of people in your ministry have always been courteous and easy to get along with. But the people we dealt

with who were representing you on that inter-ministerial force had to be the most arrogant people we've run into in that ministry.

**Mr. Cunningham:** The chairman is on your staff. We've asked questions. Every time we asked, we were assured that it was coming; it was imminent. What really bothers me is that it's dated July 11, 1979. I don't see any dust on it, but that could be because I got the bottom copy.

**Hon. Mr. Snow:** As I say, I have not had a chance to review the report myself. There was an interministerial committee, with my ministry representatives on it. I believe it was chaired by—I haven't even looked at it that closely.

**Mr. Cunningham:** That's not my point, sir. I'm not laying the blame on you, necessarily. I know you're going to rush home tonight and read it, because the hockey game will be over—

**Hon. Mr. Snow:** No, I am not. I've got other things to do.

**Mr. Cunningham:** In fairness to Mr. Philip and to me, and to members of my party, and I suppose to the government caucus, whoever may be interested in this—I think they all would be—it's a little difficult, during the course of the estimates, to go home and digest this and your strategy reports and all the rest of the material we are given from time to time. In view of our interest, long before the commencement of these estimates I think it would have been appropriate to have seen that we got these reports as they were done.

**Mr. Gilbert:** But it wasn't our to release.

**Hon. Mr. Snow:** It wasn't our report to release. The lead ministry in this matter is the Ministry of the Solicitor General. My staff were not at liberty to release that report to you or to anyone else.

I spoke to the Solicitor General today and asked him when he was going to release the report. He said as far as he was concerned he had no objection whatsoever if I got copies of the report for the committee.

I tried late this afternoon to get reports, and I could only find two copies. I will try tomorrow or by the next meeting of the committee—or before, if possible—to have copies for all members of the committee.

**Mr. Cunningham:** Mr. McMurtry is responsible and should apologize.

**Hon. Mr. Snow:** In discussing these estimates, we have discussed the policy side of it, yes, but there's nothing in these estimates relating to that report or to any implementation of it.



0 p.m.

**Mr. Philip:** It may be poetic justice that it is the Solicitor General that is lead minister because this deals with extrication of victims, hopefully in time, before they become casualties. You may have noticed the Solicitor General told me in the House today that he still had the policy of not sending inquest reports to MPPs because, he "couldn't hire an extra staff person to get them out." So it may be part of the way of open government of the Solicitor General, but I realize that isn't your problem.

**Hon. Mr. Snow:** With all due respect, I have tried to co-operate with this committee and with the critics. We have supplied the information and supplied copies of reports. We have supplied you with our five-year long range planning report this year without being asked for it. It's the first time. That is not a new report; that has been an internal planning document for years, updated every year. But I said to my staff that this year I wanted to supply members of the Legislature with the five-year document as well. We have supplied you with all the information for the estimates and so on well ahead of time. I have had the green book tabled. I think I have co-operated with you.

**Mr. Philip:** I'm sure if you were Solicitor General we would have better co-operation.

**Mr. Chairman:** I think most critics have hit their points across very well. I will not interfere with what they have to say at all. I couldn't help but be in agreement after hearing the evidence, but we agreed we would vote on vote 2601 and then you have about 20 minutes before we are going to be called into the Legislature for a vote. If we start on item 1, main office, ministry administration program, vote 2601.

Items 1 and 2 agreed to.

On item 3; legal services.

**Mr. Cunningham:** I have several questions and this and they don't have to be answered at the moment, but perhaps they could be tabled. I would like to know what percentage of your expenditure is outside legal service. To what end are you hiring non-staff lawyers or lawyers outside of the government? How are they appointed? If I can get that it would be appreciated.

**Hon. Mr. Snow:** The lawyers are basically employees of the Ministry of the Attorney General. As to the details of this, for instance, salaries and wages are roughly half a million dollars, as you will see on page 10. These are the salaries and wages of secretaries and clerks and so on in the

different legal offices in the ministry. The cost of the lawyers themselves would be in services.

If you look over on page 11 you will see legal services provided by the Ministry of the Attorney General, \$902,000. We do have in here a breakdown of outside legal services. Yes, \$90,000 for outside solicitors that we have hired to prosecute around the province under the Public Commercial Vehicles Act and the Highway Traffic Act. When we do hire outside legal services for major expropriation matters, et cetera, those are designated by the Attorney General.

Basically, I think I am safe in saying the vast majority of the legal people we have in all the regional offices, such as London, Kingston, Toronto, Thunder Bay and North Bay, are our own legal staff who deal with practically all the legal work, like closing, when we are purchasing land for widenings and so on; they do that type of legal work. We use very few outside solicitors on that type of legal business.

Item 3 agreed to.

On item 4, personnel services.

**Mr. G. I. Miller:** How many personnel do you have in the ministry working for MTC?

**Hon. Mr. Snow:** About 10,000.

**Mr. Wildman:** Does that include casuals and contract work?

**Hon. Mr. Snow:** There are some interesting figures. Roughly, when the two ministries, Transport and Highways, were put together in 1971, I believe the complement of the two ministries at that time was something in the neighbourhood of 13,500 staff. When I took over as minister about five years ago it was close to 12,000. We're now down to approximately 10,000.

**Mr. G. I. Miller:** Does this include winter employees?

**Hon. Mr. Snow:** The winter casuals, yes, the snowplough operators.

**Mr. G. I. Miller:** How does that compare with last year? Do you have the figures for last year or is that just an estimate?

**Hon. Mr. Snow:** In this book that you have before you, it gives you the number of personnel last year and this year in every section of the ministry.

**Mr. G. I. Miller:** You need an adding machine.

**Hon. Mr. Snow:** No, you don't need an adding machine. All you have to do is be able to compare 1973 and 1974, or 101 and 103.

**Mr. Gilbert:** This is just in our personnel branch.

**Mr. G. I. Miller:** I think this winter was a very slack winter as far as snow was concerned, and I have seen a lot of people working on the road in kind of madework type of jobs. I'm just asking to compare this year with last year. There has to be a saving, I would suspect, from 1979.

**Hon. Mr. Snow:** Yes, certainly we have had less snow ploughing to do. Basically we have crews on that we hire for the winter and they've been doing roadside maintenance and other items when there was no snow to plough.

They have to be available. We have to have those men available in case there is a snow storm, or rain or ice, and this is not in this vote at all. When we get into the maintenance we can discuss that.

Basically, the number of employees has been decreasing each year through attrition, through reorganization, through some outside contracts.

**Mr. G. I. Miller:** Do you have any idea what the saving would be? Again, maybe this would come under maintenance and may take a little preparation. Would there be any saving for 1979-80?

**Hon. Mr. Snow:** Yes, there certainly is. I notice in some of our patrols the piles of salt and sand that were built up last fall for this winter are basically still in place. We won't see very much saving last year, because we had already bought that and built it up. Normally we have to bring in more during the winter to replace it if it is a heavy winter.

Where we're going to have some saving is that we're going to have those piles left over for next winter so we're not going to have to buy again.

**Mr. G. I. Miller:** I suppose the bottom line is, will there be more construction this year to give the construction industry a shot in the arm? I think you're well aware that construction is in a different position.

**Hon. Mr. Snow:** It's very hard for us to tell. In this new year, starting April 1, a month ago today—we're one month into it—I can't tell you how much we're going to need for snow removal between now and April 1 next year. All I do know is we are going to have less sand and less salt to buy because we have quite a bit left over.

**Mr. G. I. Miller:** So we do know that we saved this past winter.

**Hon. Mr. Snow:** Yes, we saved some money.

**Mr. G. I. Miller:** Because that has passed and we didn't use it.

**Hon. Mr. Snow:** That's right.

**Mr. G. I. Miller:** I know you must be aware that the construction industry is slow and there is a need for—

**Hon. Mr. Snow:** Our construction program has increased in dollar amount this year over last. We have many jobs out to tender now. Every dollar we had last year was spent and I guarantee you it will be spent this year as well.

**Mr. Gilbert:** Certainly, funds do not carry over to the next year.

**Mr. J. Johnson:** The problem that I have is with Shelburne in contracting snow removal by private contractors. Does that come under this vote?

**Hon. Mr. Snow:** No, that would be under maintenance.

**Mr. J. Johnson:** Maintenance, okay.

**Hon. Mr. Snow:** It's under the provincial roads program.

**10:10 p.m.**

**Mr. Philip:** On this item of staff training of \$4,000, surely you are spending more than \$4,000 on staff training? Can you tell me what your total budget is in staff training? Is there a director of staff training in your ministry?

**Mr. Gilbert:** It comes under our personnel branch, which is this item, but as far as the staff training costs are concerned, they go back to the various costs units.

**Mr. Philip:** You would have no idea what your total budget on staff training is?

**Mr. Gilbert:** We could get it for you.

**Mr. Philip:** Can you also tell us what percentage of that or how much would be spent in terms of management type of training distinct from some technical training?

**Mr. Gilbert:** Yes, we could.

**Mr. Philip:** Because I am always concerned about departments that seem to cut staff training, more particularly management training, the moment they get into an economic pinch.

**Hon. Mr. Snow:** We run a number of staff training seminars, but if we are running seminar for people in the drivers and vehicle branch the cost of that will be part of the estimates.

**Mr. Philip:** Is it done by your own people or by outside consultants?

**Mr. Gilbert:** By our own people.

**Mr. Philip:** You do have some management trainers then and you simply allocate the cost to the particular branch or unit?

**Mr. Gilbert:** There are actually two types of training. Some of the training is done in the local regions, some is done centrally, but we have a group in the personnel branch that is involved in staff training. Sometimes we bring a special expertise for part of that training course, but predominantly it is by our own staff. I would say this, Mr. Philip, I would agree with you that in times such as these, when we are trying to have our staff as flexible as possible, we have to put more emphasis on staff training.

**Hon. Mr. Snow:** I am a little surprised, where do you get the \$4,000? On which page?

**Mr. Philip:** It's on page 2601, item 3, Mr. Minister, the right-hand column.

**Hon. Mr. Snow:** You are looking at the printed estimates; I am looking at the book we gave you.

**Mr. Philip:** This is what I am looking at.

**Hon. Mr. Snow:** I am on page 13.

**Mr. Philip:** I am on page 11, that is the problem.

**Hon. Mr. Snow:** Page 11 is on legal services. If you get on to personnel services and go to page 13, you will find, for instance, at the left-hand side of the page, under transportation and communications, you will see \$5,000 there in staff training. That is for travel related to staff training.

**Mr. Philip:** There is another \$26,000.

**Hon. Mr. Snow:** If you look over at the other side, you will see \$26,000, but that will be for staff training for the personnel branch, that won't be for the ministry. Is that not right, Ted?

**Mr. Wood:** The cost of the staff putting on the training as well, in the personnel branch.

**Mr. Gilbert:** But the people from the various divisions going for that would be in their individual cost centres.

**Hon. Mr. Snow:** If you have a course for driver examiners and you bring certain driver examiners in from around the province to the different regions or districts to put on seminars, then the cost of their wages and travel would be in their own vote.

**Mr. Philip:** Yes, the only point I am making is if you are giving them the human relations management, or whatever the latest buzz word is, but that kind of training, it's not being cut back simply because there is an economic problem of trying to save money at the moment.

**Hon. Mr. Snow:** We are doing everything possible to better utilize the smaller number of staff and we have been, as I say, pretty successful in cutting down from 13,500 to 10,000 and running a bigger ministry but still supplying a similar level of service.

Item 4 agreed to.

Items 5 and 6 agreed to.

On item 7, information services.

**Mr. Philip:** May I ask under this item, and I am sure the minister will agree to answer my question, since he didn't address himself to the essential question that I asked on safety, would he consider having a one-man task force to look at the whole problem of truck safety and report back in a coherent fashion on the research that certainly was not contained in the select committee on highway safety, so that the public and so that you and I can know what areas we need to move in, in terms of truck safety? It would also dispel some of what is perhaps myth about some of the problems that always seem to be blamed on trucks in highway safety.

**Hon. Mr. Snow:** I am certainly prepared to give that some thought. I am not prepared to give you a commitment today that I will do so. The select committee on highway safety recommended that we set up a coordinator within the ministry on highway safety, which has been done. Mr. Humphries has served in that post. Who the new one will be I don't think we know at this moment.

The Solicitor General has also set up an interministerial committee on enforcement aspects in highway safety. I am willing to look at any reasonable suggestion with regard to improving highway safety and truck safety.

I agree with what I think you said. There are quite a number of myths in people's minds as far as the safety of trucks is concerned. Every time there is a truck accident you hear about it. You may or may not hear of the fact that the accident may have been caused by a car in the first place. But, I am willing to consider that, although I am not willing to give you a commitment today.

**Mr. Philip:** I am saying somebody of the quality of a Max Rapoport, or a judge, or somebody like that be given the task and the researchers and the clerks to go ahead and conduct his own inquiry and make a report.

**Hon. Mr. Snow:** I am willing to look into that.



Mr. Philip: Thank you.

Hon. Mr. Snow: I don't want to duplicate what our own co-ordinators are doing.

Vote 2601 agreed to.

Mr. Chairman: Next Wednesday we will be free and we will be on these estimates from 10 o'clock until 12:30. The House will sit in the afternoon, but that will not inter-

fere with the committee sitting on Wednesday morning.

Mr. Philip: We will be on research and development, is that correct?

Mr. Chairman: That is correct. I understand that Mr. Alexander will be here.

Hon. Mr. Snow: No. Mr. Foley, I believe.

The committee adjourned at 10:17 p.m.

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Snow, Hon. J. W.; Minister of Transportation and Communications (Oakville PC)

Villeneuve, O. F.; Chairman (Stormont-Dundas-Glengarry PC)

From the Ministry of Transportation and Communications:

Gilbert, H. F., Deputy Minister

Wood, F. E., Director, Financial Branch

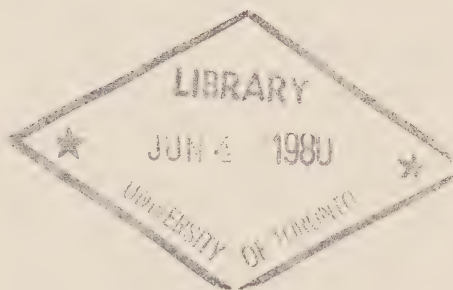


No. R-12

# Legislature of Ontario Debates

## Official Report (Hansard)

**Standing Committee on Resources Development**  
Estimates, Ministry of Transportation and Communications



**Fourth Session, 31st Parliament**  
Wednesday, May 7, 1980

Speaker: Honourable John E. Stokes  
Clerk: Roderick Lewis, QC

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# LEGISLATURE OF ONTARIO

## STANDING COMMITTEE ON RESOURCES DEVELOPMENT

WEDNESDAY, MAY 7, 1980

The committee met at 10:04 a.m. in committee room No. 2.

### ESTIMATES, MINISTRY OF TRANSPORTATION AND COMMUNICATIONS (continued)

**Mr. Philip:** Mr. Chairman, before we start wonder if the minister has any up to date information or comments on the Burlington Bay Skyway bridge accident this morning. What happened? Can you give us any information on how many accidents there have been in the past on this bridge? I gather that two transport trucks were in a rather serious accident and two people were killed. I wonder if you have any information on it.

**Hon. Mr. Snow:** I do not, Mr. Chairman. I heard on the radio on the 7 a.m. or 7:30 news that there was a traffic backup there. There were no details and I did not realize there was an accident.

The broadcast I heard did not mention an accident. I presumed it was the paving. We have a paving contract there. No, that is further down, I'm sorry. I just assumed it was that. Does anyone have any details?

**Mr. Eadie:** My name is Lorne Eadie, assistant deputy minister, operations. I just heard the news myself and I understand there were a couple of trucks involved. I could phone up and get some information.

**Hon. Mr. Snow:** Could you phone and see if we could get the information? I hadn't heard. The newscast I heard mentioned a traffic tie-up and I presumed it was because of maintenance or something. I know there was a dandy at the Queen Elizabeth Way and Highway 27 yesterday.

**Mr. Eadie:** I will go and phone.

**Mr. Philip:** It's tragic that two people have died, as I understand from the news. It's just one more example. Every morning we turn on the news and it seems there has been some trucking accident. I hope the minister is considering my suggestion about a one-man inquiry into trucking safety, which he indicated he might consider. Perhaps we can deal with that under the safety debate.

**Hon. Mr. Snow:** Mr. Chairman, just before we start, the other evening Mr. Cunningham made inquiries about getting copies of certain polls. He referred specifically to a poll that had been done on attitudes toward speed limits. Those polls were all tabled in the Legislature the day the House opened, on March 13.

**Mr. Cunningham:** I didn't ask for copies of the poll. I had the poll in front of me. What I wanted to know was the cost. When I received a copy of the poll I didn't receive any indication of what the cost was. My interest was the cost.

I have the poll and I have been through it. I have read it and I find it interesting. In fact, I think it will be useful to you and I endorse that kind of polling.

**Hon. Mr. Snow:** Does anyone have the cost of that poll? The one you are referring to is the one on the attitudes toward speed limits, is that right?

**Mr. Cunningham:** That's right. I think it was a Gallup poll.

**Hon. Mr. Snow:** There were a number of polls tabled that day.

**Mr. Cunningham:** There were four.

**Hon. Mr. Snow:** Yes, it was a Gallup poll dated February 1979. There is a lot of information regarding the speed limits. I do not have the cost of that one immediately available, unless someone else has it.

**Mr. Cunningham:** It's not urgent.

**Hon. Mr. Snow:** We will get that information for you. I know I saw a list of the cost of all those polls at one time, but I don't have it with me now. That's the only comment I had to start off with, Mr. Chairman.

On vote 2602, planning, research and development program; item 1, planning:

**Mr. Cunningham:** Mr. Chairman, if we could deal initially with the Urban Transportation Development Corporation, it might be convenient for Mr. Foley to take a seat approximate to a microphone. As I said the other day, I'm going to keep my comments on this relatively brief. That will be a relief to Mr. Foley, certainly, and I know we could then spend estimates time on other matters.

My interest in your operation, Mr. Foley, remains. It's nice to see you again. I guess I'm going to develop an even greater interest in so far as the phase four aspect of your facility will be in my area in a general sense, specifically in Hamilton.

First of all, I would like you to bring us up to date with regard to the extent of the federal commitment to this very expensive project. I read with interest your report which I received last night. It's obvious you have dealt in a rather significant fashion with senior civil servants at the federal level. I would like to know at what stage you are in obtaining a commitment from the federal authorities with regard to sharing the cost of this particular project. As well, I would like you, if you would, to table your cost breakdown, and if you have an agreement with the region I would like to see that as well.

**Mr. Foley:** To respond, first to the question concerning federal contracting status, I think the document in front of the members outlines the history up until early February of 1980. The Conservative government, before the December 18 defeat, had signed a letter of intent to the government of Ontario. A number of letters were appended to that as well, which formed the basis of an agreement; that is, the heads of agreement between the Ministry of Transportation and Communications and the region of Hamilton-Wentworth and the heads of agreement between the ministry and the government of Canada represented by the federal Ministry of Industry, Trade and Commerce. The government of Ontario had returned a letter accepting the terms and conditions as outlined.

10:10 a.m.

The contracting status as of that point was that there were letters of intent exchanged between the two parties basically agreeing to a federal contribution, a fixed dollar contribution, for two demonstration projects, total contribution \$62.8 million, of which some \$32.8 million, I think, was for the Hamilton project.

The conditions were that the other demonstration project would be outside the province in a city or at a site to be determined. The conditions would be the same as those the Ontario government had entered into. The other parts that were significant were that we would not charge any royalties on the technology to the city or to the demonstration project outside Ontario.

Subsequent to the change in government, the staff level at the federal government—and I should point out that this is all taking place under the Industrial Development and Assist-

ance Program of the federal government and therefore comes under the Ministry of Industry, Trade and Commerce. That's where almost all of the work and activity is going on.

The status currently is that there are detailed contract drafts and negotiations being established now and discussed with the federal government at the civil service level, so that these can be taken forward to cabinet for a full contractual authorization in the sense that the details of each of the contractual terms can be approved.

In summary, we are operating under letters of intent between the governments. There is at the civil service level an undertaking of detailed negotiations and we expect to have those completed—in fact, the plan is to have those completed—while the preliminary planning work is going on in Hamilton. The federal government, through the civil service again, has acknowledged that the funds being expended now are credited to their financial contribution in proportion to their part of the total.

The second question was with respect to the cost breakdown. I don't have a copy of that with me. The original cost estimates were done throughout 1978 and part of 1979. They have been made available to the region and I will send you a copy so you have it. I don't have a copy with me right now. It comes in a document which you might even have, but I will make sure you get a copy of it.

The third question dealt with the agreement with the city of Hamilton. A proposed contract for the first 13 months of the work, including the work statements and the detailed contractual terms, was submitted to Hamilton in early February of this year. It has been reviewed. They have set up a steering committee which is made up of members of council and a technical committee which is made up of the heads of the various regional departments. That committee has met and has forwarded to council recommendations to accept the form of contract and to go ahead with the program.

That recommendation was dealt with by the regional council last night at its meeting and accepted. The five recommendations of the technical committee and the steering committee were accepted, so the technical committee has now been given authorization to enter into the contract it had in front of it. I think that answers the three questions.

**Mr. Cunningham:** Are you satisfied that the federal government will go through with this project? Have you received the cabinet approval you require?

**Mr. Foley:** I personally am satisfied that everything happening now is standard procedure. There is nothing untoward happening that would lead me to indicate it won't. The officials have indicated to us that the government is operating under the letters of intent and they are proceeding with the full knowledge of their minister, as I understand it, to discuss the terms and conditions of the detailed contract.

I have been with this project since 1978 and there have been two or three government defeats and so on in the process, so anything could happen. But my expectations are that the government will proceed under those letters of intent and that the contracts will be approved.

**Mr. Gilbert:** I think also, Mr. Foley, the federal member is participating in the steering committee.

**Mr. Foley:** Yes, the civil servant.

**Mr. Gilbert:** The federal staff member.

**Mr. Foley:** The federal staff members are represented on both the Hamilton technical committee and steering committee. There is a great deal of visibility in the actions they are taking and it is my understanding it is with the full knowledge of their minister. My guess is that he will recommend it to cabinet and my expectation is that cabinet will approve it, but I can't guarantee it.

**Mr. Cunningham:** My point to you, sir, is that it is a multi-million-dollar project. I think, with respect, before you proceed you have to have at least this kind of agreement. I don't think I'm being unfair to my associates in Ottawa when I say that we in Ontario have been burned before on these particular things. With a project of this significance in terms of costs and certainly with its importance and significance the project is in the context of development for your whole program, I really think you should have this nailed down to the best of your ability.

I was interested in what you say on page 10 of your report with regard to financing. Delays will have an effect on budgets because of inflation, and to the degree that inflation can be forecast then appropriate budgetary allowance can be made. Inflation due to its lack of predictability, the unexpectedly high interest rates and exchange rate reductions could reduce the project coverage and could result in a reduced scope of the transit system for Hamilton. There is substantial incentive to reduce possible delays." What do you mean when you say "reduced scope" of this system?

**Mr. Foley:** There are two stages in the Hamilton project approved by council. The first stage is to determine the exact length of the route, the location of maintenance facilities, and so on. When we put forward the proposal to Hamilton, of course, it was based on a number of studies they had undertaken in their regional planning and on their regional commitments to growth and development. The first 13 months of the exercise are to determine the precise route location, the exact design of the guideway and stations and exactly where they will be in detail. At that point then, you can go to a construction contract, actually tender the guideway and get activities under way.

There are several elements that could produce delays in that, including property acquisition, various hearings and other approvals that would have to be put forward. We believe the city and the regional municipality have asked to have another thing done, and that is a look at the long-term expansion of the project.

They have extended the corridor that was originally put forward for what we have called the first phase of this project. They have extended it actually in both directions, in anticipation of future expansion. The amount of future expansion in terms of station design they could put into the first project, the amount of maintenance facilities, storage track, all of these kinds of things, would obviously have to be reduced if there were substantial delays in the project and if there was substantial inflation, so that the amount of transit system you get for the fixed dollar will obviously decrease as inflation increases. The places from which you would try to take that would be, first of all, in terms of pre-building, say, expansion elements in stations, expansion elements in maintenance facilities, just how extensive the automated facility would be, the ability to build computer software that would allow expansion and so on. The longer the delays and the higher the inflation, the less transit system you can buy for the same dollar.

**Mr. Cunningham:** Do you have any studies with regard to possible use of your project by the residents of Hamilton?

**Mr. Foley:** In terms of traffic flows and so on?

**Mr. Cunningham:** Yes, What do you anticipate if your projection works out as you see it? What do you look at in terms of transport capacity?

**Mr. Foley:** The design capacity on the line we are looking at, and this is going by recall,



would be about 15,000 passengers per hour. The project, assuming an opening date of 1985, some time in that area, or 1986, depending upon these approvals and so on, is estimated by the region in their traffic planning analysis, I believe, to be between 6,000 and 8,000 passengers per hour on opening day.

10.20 a.m.

**Mr. Philip:** I wonder if I could ask a supplementary on that? The Hon. James Snow made a statement on the Urban Transportation Development Corporation report and recommendations in which he was going back to the early statements by the Hon. John Rhodes. There is no date on this, but he came down with several criteria for a new kind of system. One of them was that "any new at-grade or elevated systems must achieve community acceptance. This acceptance is dependent upon low noise levels, reduction of size and scale of stations, vehicles and guideways, and therefore all technical development must be directed toward meeting these requirements."

Does the Hamilton project meet these requirements?

**Mr. Foley:** Yes, it does. In fact the Hamilton project perhaps gives a substantial demonstration of the achievements of the technology.

If you will recall, back in 1978 when the two projects were put forward, one on the Toronto Lakeshore and one in Hamilton, the Toronto Lakeshore project had the demonstration capacity of an extremely high density at peak periods. In other words, we are talking about 20,000 to 25,000 passengers per hour in exhausting the Canadian National Exhibition stadium. But the terrain requirements, the noise demonstration and so on that would be required on the Lakeshore were not that onerous.

Obviously Hamilton provides the requirement for a very low noise level, and we believe we have achieved the lowest noise level on a transit system in the world. It provides that urban integration requirement, particularly as you move it into the core area of the city. It also provides that requirement to be very sensitive to the environmental aspects of the escarpment and going up to the top of the mountain.

The technology requirements that are demonstrated in Hamilton will be as onerous in terms of a technology display as you would probably find in a transportation system. The passenger loads, of course, are not as onerous as they are on the Toronto Lakeshore in those peak periods.

**Mr. Philip:** What studies have you done of bus systems leading in and out of your system? How will that affect the existing system and load on the system?

**Mr. Foley:** With respect to the bus-rail interchange and interfaces in general, not just Hamilton specifically, we have done a number of work studies on that. The Toronto Transit Commission was commissioned to do one station design study about 1978 or 1979 to determine the kinds of design we would have to have to interchange effectively with streetcars, buses and the intermediate-capacity transit system.

With respect to the question as it applies to Hamilton, the council has asked to have incorporated in our contract, but conducted by an outside consultant, the integration of the existing Hamilton Street Railway system, including its bus routes and its various maintenance activities and so on, with this overall system. Because this technology and demonstration would be one part of an integrated transit system, the city and the region have agreed that they will have to undertake certain integration of bus routes, replanning of certain bus routes and so on. With respect to designing the stations so we could get sort of kiss-and-ride type of bus interchange that will be part of a detailed design done by us.

**Mr. Philip:** One of the concerns expressed about the Spadina subway line was the throughput the planning of the TTC vis-a-vis their bus systems it created a distortion in the normal passenger flows, and that had been built in another location further west, would have created a more natural flow of bus service and integration with the existing system. Are you convinced this is not happening in the Hamilton area?

**Mr. Foley:** I can't be convinced up to this point because the route has not been chosen but certainly the terms of reference the council is asking to have done before they make their decision on the final route take of that into consideration.

We have also put together a project advisory committee that would advise both UTDC and the Hamilton region which made up of the former general manager of TTC, Mr. Paterson, and Mr. Jack Harvey and Dr. Soberman and Mr. McNab, who was the former deputy of this ministry, and the Toronto Area Transit Operating Authority and they are ensuring that all the experience and difficulties, as well, of a positive experience are being applied to this project. They report both directly to me and to the chair.

man of the technical committee and chairman of the steering committee in Hamilton.

I think to answer the question we can simply say all of that has been taken into consideration, but the route choice will be that of the regional council of Hamilton-Ventworth.

**Mr. Philip:** Basically then you are giving us the assurance that the mistakes made in Toronto will not be repeated in Hamilton.

**Mr. Foley:** We are certainly giving you the assurance that whatever we have learned is going to be applied to Hamilton before the decisions are made.

**Mr. Cunningham:** That's a relief in itself. I am trying to envisage how this would work.

First of all, you are violating one of the key principles of transportation and that is you will have great competition from the automobile. You're violating a principle wherein you shouldn't have two systems competing with each other in a major way. You are also competing with, in my view, not a bad system in itself. Right now a person can get on a bus on the mountain and without too much difficulty find himself a Firestone, Dofasco, Stelco, or National Steel Car. That is operative right now on a bus system. There is a great deal of flexibility to it; the costs are quite easy to anticipate.

If you develop this fixed system up and down the mountain, I don't care where you put it, people will have to find their way to it from their homes on the mountain; they will have either to take another bus to get there or they will have to walk. If they walk, that limits the extent of your service area up there.

They will have to find their way to this terminal, or possibly several terminals. They are going to get on this system, come down to the core of the city and then find themselves in a situation where they either have to work from there or, if they are going to the industrial sector—and a large proportion of Hamilton residents work in the industrial area—then they are going to have to get on another system of transportation to get to work.

What can you say with regard to that? What are your comments on that?

**Mr. Foley:** First of all, I think some of my comments are inappropriate in terms of Hamilton council's decisions and studies in the past.

With respect to competition, it's a fact of life. The automobile exists. Most of our cities

in the past three decades operate on a basic distribution system that is premised on the automobile. To say we will compete with the automobile in some areas, I think the answer is yes. I understand that to be somewhat the mandate of the corporation, also the policy of the government and also the desire of the regional council to have a stronger, higher-capacity, more pervasive public transportation system.

We have done a number of studies in the past, one for the royal commission on electrical energy here, that indicated it would be almost the top of the ladder to get a 45 per cent penetration rate in Metro Toronto on an all-day basis, so that means at least 55 per cent of the traffic would still be in automobiles.

The fact that there will be a substantial building of public transit in the next decades I don't think knocks out the automobile, but certainly the desire is to get a more pervasive system.

With respect to the buses, Hamilton council, I think back in 1972, started a regional plan. That regional plan had a transportation component. Within that transportation component, long before UTDC ever came along, or long before the project was envisaged for Hamilton—the fact that the project was envisaged for Hamilton came out of Hamilton council's own studies; they were not studies UTDC did—within that plan they projected a rapid-transit system from the mountain to the city core to handle the flow of traffic they predicted.

10:30 a.m.

If anything is happening with respect to Hamilton and this project it is simply the implementation of the plan that Hamilton had put forward. It may be implementing it ahead of a time scale when Hamilton might have built it, given no demonstration project.

It is therefore imperative that the bus system and the automobile be able to feed the transit system. It happens in Toronto; it happens in every well-planned city I know of that has a substantial public transit system. The citizen is designed to be fed by bus routes; to be fed by automobiles; to have a certain amount of walk-in traffic. In fact, the more walk-in traffic you can have, the better; the closer you can get the transit system to the jobs in the downtown core, the better.

With respect to the industrial zone in Hamilton, there is no ability for any transit system to handle all the traffic. It is obvious that if the system does not go to the indus-

trial core on Burlington Street, for instance, it won't provide service for that.

The Hamilton council has asked for a section in the analysis work to be done to talk about expandability, a second or third stage of a system that would cover a more extensive area of Hamilton, but this first section is not intended to serve the Stelco/Dofasco industrial core.

**Mr. Cunningham:** Have you done some surveys on the mountain itself to determine if the people there are all going to go right downtown where your terminal will be?

**Mr. Foley:** We did some analysis but our figures are based on Hamilton's regional transportation plan itself. Rather than try to determine what we think Hamilton's development and design ought to be, we have accepted their traffic-planning figures. They have done what they would call penetration studies to determine if this line was built in the corridor—and the corridor they have defined runs from the mountains to the downtown core—and they have said there are three or four corridors in which they would like to see rapid transit on a long-term basis, but this one was their first priority.

The figure of 6,000 to 8,000 passengers per hour on opening day was the Hamilton regional transportation plan's figures for that line. That doesn't say it's all the traffic there. It says it's the penetration rate this system would get on opening day, designing up to 15,000 passengers per hour, which is the design capacity they are looking for in that corridor.

**Mr. Gilbert:** May I say, Mr. Cunningham, going back to your first comments, this is the kind of debate that went on within the ministry in the early 1970s that led to the program to try and improve public transit. Maybe we're doing it for the purpose of taking more people out of the automobile and relieving the congestion in our cities, but looking at the energy situation as it is today, thank goodness we did. Any time we talk to our friends in the USA where they haven't put such a concentrated effort as we have towards not only the capital public transit but also making the system work better, they have real problems today.

Going back to your first remarks about the competition with the automobile and what it's doing to the automobile and everything else, this is the kind of debate that led to our goal, the whole emphasis on public transit.

**Mr. Cunningham:** There's no question it's a commendable goal to get people out of

automobiles and into rapid transit. I think all of us in the Legislature support that. We support our very fine TTC system; we support the GO system, which I am very proud of. I think it's an excellent system. It can be improved, but it is a showpiece in itself.

**Mr. Philip:** It could be improved by extending it.

**Mr. Cunningham:** To Oshawa and Waterdown and all sorts of places. My concern remains that this is an extremely expensive proposition and for all intents and purposes there isn't a great deal of accountability sometimes with the expense that is requested.

**Mr. Foley,** frankly it's not good enough to say, "We are going to let the city of Hamilton pick the routes and if the routes aren't quite good enough, well, so be it."

I understand you are getting a lot of money from the federal government and an extraordinary amount of money and time has been put in by the provincial government. I don't think it's good enough to hope and pray.

Hamilton has developed a fairly effective bus system. The Hamilton Street Railway over the years has been a pretty solid operation. I see some real problems for the consumer in getting on a bus or being driven to a terminal facility, getting on your facility, getting off downtown and getting on to something else. It just can't compete with a car pool. If you spend any time at those plants you will see a lot of people coming in—two, three and four people in a car, which is commendable—and it can't compete with the bus. Sometime we don't see the forest for the trees.

I know the people in Hamilton are very happy to receive your system. If I could quote from the Hamilton Automobile Club annual report, they summarize it quite effectively:

"The proposed offer by the provincial government to use Hamilton as a test for the new rail transit system designed by the Ontario owned UTDC is an attractive and exciting one for Hamiltonians. Federal and provincial governments are ready to pay 90 per cent of the cost of the project and use it as a model to market the system worldwide if works.

"This is hardly an offer that any municipality can refuse outright. However, if a decision is made to build the system in Hamilton we hope that the appropriate guarantee of operating costs are placed in position for at least 10 years. Hopefully, we will not be accused of cynicism when we remind ourselves and our municipal officials that the is no such thing as a free lunch."



I want to assure you I had no part in writing that, but I couldn't agree with these people more.

You haven't put this project up for bid. You are the people who are doing it. There is no choice for the city of Hamilton. You come up with half the money and the federal government comes up with roughly half. There isn't a great deal of money being put up by the region.

If you were to put this out to tender do you think you could win? How would you compete, for instance, with Habegger Limited if it had a mini-rail proposal up and down the mountain?

**Mr. Foley:** Could I make a couple of comments and then answer that question? One is with respect to us telling the Hamilton-Wentworth region anything with respect to their routes.

The Urban Transportation Development Corporation has been constantly criticized in the last six years for selecting and ramming things through municipal jurisdictions and so on. I recall the Eglinton discussion, simply because we were doing some studies on Eglinton to help us find the technology requirements. The criticism was that the province, through UTDC, was dictating to the municipalities what their transportation plan should look like.

We operate under both a self-imposed policy and one which I believe is the policy of the Ontario government—certainly as I have had it expressed to me—that with any project we enter into within a municipal boundary it is the municipal government's jurisdiction to determine the location and route of that system. That doesn't mean we will not provide whatever services, advice or information we have to help them make the best and most appropriate selection.

We have no interest in making a selection of routes and route design in Hamilton that is less than efficient, less than optimum. We have built into the program, and the Hamilton Street Railway Company management and officers have been involved in this program and are enthusiastic about it. They are becoming full participants in the integration plan, in the operation plan, in defining where the facilities will operate and move to.

All through this project the Hamilton-Wentworth council has all the assurances I could possibly give that we will do everything possible to make this decision appropriate and proper, but we can't do anything to impose a route on Hamilton. There is no basis on which UTDC has the power or even the desire to do that. I don't think it's fair to say it's a hope and pray situation. It's

going to be done effectively, but it's going to be in the municipal jurisdiction's hands.

The second part of that is the answer to the question whether we believe we could compete. We believe there is no other system in existence adaptable to the Hamilton environment.

10:40 a.m.

I said earlier in response to a question that the technology perhaps gets demonstrated best in Hamilton. If any rubber-tire system attempts to climb the escarpment, one is going to have to cover it or tunnel, because if one uses a driven wheel or one relies on the coefficient of friction to provide braking and stopping, one cannot achieve the grade-climbing capability of the intermediate-capacity system. It has now been recognized by the Japanese, by the British and by the Americans that the linear motor in combination with the steerable truck on the rail is the most effective and least expensive way to approach the grade-climbing problem. Seventy per cent of any system is going to be civil structures, that is, guideway stations, power distribution and so on.

If it is above ground—tunnelling will double the civil structure costs; covering it won't quite double them but it will substantially increase them. The only other alternative—

**Mr. Philip:** It increases maintenance costs if one uses it, does it not?

**Mr. Foley:** That's right. It increases the maintenance costs. It also increases the operating costs. One of the problems in any system is heat retention. The minute you are inside a box, or tunnel or some kind of enclosed cavern there is a heat-disposal problem.

**Mr. Philip:** As with the Montreal subway.

**Mr. Foley:** As the Montreal subway demonstrates. The other important factor is that if one tries to avoid that civil cost then one is going to have to heat the guideway. Every time one gets into a heated guideway there are more standby energy costs because one has to provide the electrical distribution for heating or the glycol or whatever it is on a 100 per cent basis, all year long. Even in the middle of summer all that capacity is sitting there for very few periods throughout the year.

I'm convinced our cost structures will be as competitive as any, given the demands of the system, the demands to climb the grade, the capacity demands, the demands to have capacity for express service and flexibility. I'm also convinced that if we wanted to down-

grade the system, not handle that capacity, not achieve those grades, not provide switching or express services, we could make the system cheaper. We can make the system cheaper by eliminating all those capacity characteristics.

**Mr. Cunningham:** I am sorry, but you didn't answer my question with regard to the viability or efficacy of a mini-rail system such as the concept that Habegger of Switzerland developed. I look at the capacity recommendations for their type three train and in their estimate they can move 10,500 people per hour.

**Mr. Foley:** I don't dispute that in parts of their system and under certain constraints they could probably move 10,000 passengers per hour, but I think it would be fair to take the document and do a specification requirement comparison in terms of acceleration, deceleration, safety requirements and all the other elements in the system, on a side-by-side basis, before the statement was made that they could respond to a specification Hamilton would put out.

For the last five years we have done comparative studies and evaluations of other systems. It's interesting to note that many of these systems and people who are exposed in the transportation business throughout the world are beginning to discuss various licensing agreements and other forms of association with UTDC because they believe the technology being developed has substance and is competitive.

**Mr. Philip:** The Hamilton Street Railway Company has shown large deficits. I don't have the figures in front of me but Mr. Mackenzie was showing them to me the other day. Are you or the Hamilton Street Railway convinced their deficit problem or problem of costs is going to be improved by this new system or will it simply add to their present problem?

**Mr. Foley:** We did a study of deficits—it might have been shown to you last year in one of those slide presentations—and of what would happen to the Hamilton Street Railway based on a constant fare, because one of the problems one keeps getting into is what is going to be the fare system, whether it be the bus system in Hamilton or any other. I don't have a copy but I will send it to you.

We kept everything constant and imposed the system, reduced the bus systems it would replace, and showed that basically there were two results. Under one set of scenarios the deficit could be reduced slightly. I say "slightly." In all honesty, I do not believe

the number by which the deficit could be reduced was significant, given the forecast method. One could really say the other result was the same, that there would be no change in the deficit.

To meet the requirements of the city and Mayor J. A. MacDonald there is a continuing program of forecasting the deficits that will go along with the overall Hamilton Street Railway system, with this interposed on it throughout the project. He has constantly asked that, before the construction program begins, we have a substantial amount of work done in combination with the Hamilton Street Railway.

We know the system will impose some substantial efficiencies upon the Hamilton Street Railway. In addition there could be, by policy, additional bus lines kept on that might otherwise be taken off.

There are a number of things that have to be done. Our initial studies say it does not have an impact on the deficit, but I do not think we have the final answer to that question yet.

**Mr. Gilbert:** May I say, Mr. Foley, that, as Mr. Philip is aware, the province has been and still is paying additional start-up costs for the Spadina subway. As you are also aware, we are working out an agreement that is just about ready to be finalized among the borough of Scarborough, Metro and the province for the three parties to pay the additional start-up costs for operation of the Scarborough light-rail transit line. There is no doubt that the same principle would be applied in looking at Hamilton.

The minister has stated that any major line—

**Hon. Mr. Snow:** I was going to mention that is the announced policy to all municipalities of special funding for the start-up period of any new major transit facility. The first one we applied that to was the Spadina subway and we are entering into agreement for the Scarborough line. There probably will be a similar agreement in Ottawa with the new busway they are just starting. The Hamilton intermediate-capacity transit system line would be considered a major new corridor and would apply for that funding.

**Mr. Philip:** I do not want to take up the time while Mr. Foley is here to discuss it, but maybe the minister can bring back a statement or an answer to the question at a late time as to what, if anything, his minister intends to do about the problems of coping with the very large deficit of the Hamilton Street Railway Company, exclusive of the present project we are talking about.

**Hon. Mr. Snow:** I suppose the proper time to discuss that would be when we get on to the municipal transit vote, but there are 60-odd transit systems in the province that we now fund. Every one of them has the same deficit problem. The philosophy of keeping public transit at a cost to encourage its use involves deficits. Whether it be London, Hamilton or the Toronto Transit Commission, our share of operating subsidy, or our amount of dollars, substantially increased this year to the municipalities. It takes that point into consideration.

If one compares transit operations in Ontario, especially the TTC—I do not have the figures in front of me but they are available—with major transit systems in cities in the United States, the percentage of deficit in our systems is considerably less than many other systems. Although all the systems are running at a deficit, it varies from cities like Guelph and Cornwall, two I can think of that run with the least percentage of deficit, to cities that have very substantial deficits.

10:50 a.m.

**Mr. Philip:** I do not want to labour the point because we will discuss it under the appropriate vote, but since the minister is quoting studies, he might also recall the studies—

**Hon. Mr. Snow:** I don't know what study I quoted, but never mind, go ahead.

**Mr. Philip:** You are quoting your own research then or your own comparisons.

**Hon. Mr. Snow:** I did not quote any studies at all. I just quoted the bare facts.

**Mr. Philip:** You just compared it with the United States, the percentage deficit in the US systems.

**Hon. Mr. Snow:** Yes, okay.

**Mr. Philip:** That's a study or research then that you are quoting. What you might also like to quote is the one which I believe I brought to the minister's attention a couple of years ago. With regard to the central government's paying a percentage of the costs of local transit systems, we do not come out all that well in comparison with other cities of equal size on a world basis. We come out better than some of the American cities, but we certainly do not do all that well in comparison with Europe, Montreal, et cetera.

**Mr. Gilbert:** I must say this, though. Any time we have had discussions with our friends below the border, they have held our whole subsidy system, the approach to public transit we have taken in this province, as an example of what can be done to promote

public transit and build good systems without getting into tremendous deficits. This has to be kept in mind. As you know, a number of the US cities have got into troubles with that.

In Metro Toronto, for example, a very high percentage of people are riding public transit. They have good public transit. I think if you talk to the Toronto Transit Commission and the general manager, he would be the first to say so. Sure, we have had discussions with them in the past, as we have had with others, but all in all our whole approach to capital and operating subsidies is better than anything they have seen anywhere else.

**Mr. Philip:** I will get the figures and we can have a discussion at that time, but I think I have quoted the figures that show a contrary point of view, at least in comparison with European countries.

**Mr. Isaacs:** I have what is, in effect, a supplementary to the questions Mr. Cunningham was asking on the routing for the intermediate-capacity transit system in Hamilton. I would like some clarification on this, because I think the route is the major concern people have at the moment.

It is my understanding that elected officials in Hamilton-Wentworth have been told that the only mountain access between highway 20 in the extreme east and highway 403 in the extreme west the system is capable of climbing is the corridor for which it is planned, and it is not capable of going up other accesses.

**Mr. Foley:** No, that's not true.

**Mr. Isaacs:** What is the maximum grade on Hamilton Mountain? I do not know how familiar you are with the gradings but, for example, would it be possible for it to go up the Kenilworth access?

**Mr. Foley:** I do not know enough about the actual grade on the Kenilworth access, but I know our studies have shown that the maximum grade-climbing capability necessary for access to the mountain in most places would be 10 per cent, and we can handle the 10 per cent grade. The real questions with the 10 per cent grade or any other grade are questions of operating capacity.

If you change the grade substantially, it is not a question of the technology of being able to climb that grade or get down that grade; it is a question of how fast you will be able to do that, how close you run trains together. An operating safety scenario would obviously space trains further apart the steeper the grade gets, because your



emergency braking requirements get longer. It becomes a capacity problem. It is not a technology problem to us, but certainly it is a cost problem and it is an operating problem. It goes back to the deficit comments and so on.

We have never said anything to the municipal council about the choice of route. Certainly there are more expensive routes and there are cheaper routes according to the way you put in the foundations, where you would put those foundations, how you drill them and so on, all of those things. Part of the first phase of this activity is to determine those that not only have the lowest cost but those that disrupt least in environmental terms and in terms of physical relocation and dislocation. But the statement you made is just not true from our point of view.

**Mr. Isaacs:** That is encouraging. The study that is going to be initiated this year is looking only at routes within the corridor from Upper James Street to the downtown core. Is that correct?

**Mr. Foley:** The council met about a month and a half ago and asked the steering committee, which is composed of elected officials and the technical committee to define the corridor. What they did, in effect, was choose the corridor that was their first priority in their own transportation plan, the document that had been tabled as a regional planning document, and they expanded it. They made it slightly wider, not very much, and they made it quite a bit longer. Now the hope and anticipation, of course, of the Hamilton council is that the project will go further.

**Mr. Isaacs:** Yes. The problem is that I am not sure the transportation plan done for the regional official plan was based on passenger factors in Hamilton as they exist at the present time. It may, indeed, have been based on the regional official plan in a staging of development in Hamilton to the year 2001, which is what the regional official plan is. Now that this has been moved forward, and now that development in Hamilton has slowed down even more dramatically than predicted by the regional official plan figures, it may well be there are other corridors within the city that have higher passenger loads now than the corridor they are looking at.

**Mr. Foley:** There are two issues at stake and both of them, going back to an earlier question from Mr. Cunningham, relate to the council's objectives with respect to its own region. One of the tasks we have is to verify the numbers presented in their transportation

plan. That will lead to certain questions about their development proposals and plans.

Certainly we will present to council, before it starts the construction program, what we consider to be the range of likely results in terms of attracting passengers, in terms of attracting development and so on, but there is no doubt in my mind that part of their transportation plan is premised on a desirable development plan as opposed to the one that might just exist. I think that's a regional-municipal responsibility and one that we should respond to rather than try to dictate. But we are certainly going to provide the information to council.

**Mr. Isaacs:** From your perspective, looking at it, I guess, as a demonstration project—whereas my perspective might be to look at it as a transportation project for the people of the region—it seems to me both require that it be well used.

**Mr. Foley:** Of course. That's right.

**Mr. Isaacs:** If, indeed, it is built and doesn't attract the passengers—a passenger load is a load—then everybody loses. If your work demonstrates that the passenger requirements are not there at the present time, will you be recommending to the city of Hamilton that it look at other possible corridors, or are we now locked into the present corridor so that it will go there or nowhere?

**Mr. Foley:** As to the last part, if you ask if it will go there or nowhere, I don't know the answer to that because, obviously, it's up to the council to decide whether it goes ahead at all. The minister has said in the past that the project will not proceed without the full endorsement and support of the municipal council. If they decide they have information in front of them that says there is not sufficient traffic, and if they decide not to proceed with the project, the question then comes up whether we would re-examine other routes, but I think that's a new issue.

To go back to the objectives, we have no intention and no objective of putting a demonstration system in that doesn't carry adequate volumes of passengers because it doesn't demonstrate a revenue capacity.

**Mr. Isaacs:** Right. It seems to me that in terms of the hopes for growth and other things the municipal council may have, it cutoff limit for passenger loads may indeed be lower than the cutoff limit you might have. They might say, "Well, there are not going to be very many people using it, but we want it anyway because it will be a good thing for Hamilton and it will attract

growth to Hamilton and it'll bring visitors to Hamilton."

11 a.m.

**Mr. Foley:** Our analysis, and the numbers I used earlier, were 6,000 to 8,000 passengers per hour on opening day. Opening day, assuming a five-year construction program, does not allow much development. One doesn't achieve the year 2000 growth targets by opening day. The design capacity of the system is looking at those numbers, that is, the 15,000 to 20,000 passengers per hour in the year 2000. That is premised on a design capacity. The design capacity will be predicated on the guideway characteristics in terms of switches and express operations, but it also relates largely to fleet size and the extensive amount of automation.

There is an ability in any transit system, and particularly this one because it has a number of flexible features in it, to downgrade or upgrade the capacity of the system to respond to that demand to some extent. For instance, the initial vehicle fleet won't handle 15,000 passengers per hour and there is no reason to supply that extensive a fleet of vehicles to sit in a maintenance garage somewhere.

**Mr. Isaacs:** I understand. Is there research to prove, in the way transportation research ever proves things, the 6,000 to 8,000 passengers per hour on opening day. Has that been done? Do you know those passengers will be there?

**Mr. Foley:** You premised that on "the way transportation research ever proves things." The prediction levels show that—on the standard transportation planning technique. You and I both know there are many things that can change that. Changes in energy pricing will change penetration rates without any development. There are routings the Hamilton Street Railway and the city council could come up with in terms of bus feeders that could enhance that. There are many changes.

The United States has had mammoth growth in penetration rates of public transit in the last three years for no other reason than the price of gasoline got so high a lot more people are taking it. The transportation model didn't predict that or they would have built hundreds more miles of transit systems.

**Mr. Isaacs:** But you are convinced that at past 6,000 per hour will be in that corridor?

**Mr. Foley:** Yes.

**Mr. Isaacs:** And that 6,000 per hour is adequate or more than adequate for your needs?

**Hon. Mr. Snow:** Not 24 hours a day.

**Mr. Isaacs:** No, I realize that. That is more than adequate for your requirements as a demonstration project and it is—

**Mr. Foley:** Yes. That's a peak-hour demand.

Take a look at Calgary, and at Edmonton, and at the Scarborough light-rail line and at a number of other lines that are moving in. The problem with urban transit is it is hard to build an extensive urban network like that, just on the spot. One builds components of it and plans towards an extensive network. Obviously, if the subway in Toronto had only a very small penetration area, its demand loads would be low. The idea is to get as extensive a network as possible.

The numbers I have seen lead me to believe, given all the things there are now and no massive changes in energy availability or pricing, that will lead to 6,000 to 8,000 passengers per hour on what we call opening day, and that we should be designing for between 15,000 and 20,000 passengers per hour, probably on the low side of that range—that is, the 15,000 passengers per hour. There are substantial things that could change that would require that capacity. It's there at a very low cost.

**Mr. Isaacs:** What is the minimum capacity expressed in those terms that would make this project viable?

**Mr. Foley:** I think if one started running less than 5,000 passengers per hour one would, technically, normally delay the program.

**Mr. Isaacs:** Okay, thank you.

**Mr. G. I. Miller:** Is there any possibility of extending it out to Stelco Incorporated, to the industrial development on Lake Erie? Is the potential there?

**Mr. Foley:** Develop to Lake Erie?

**Mr. G. I. Miller:** Yes. What is the cost per mile of track, then?

**Mr. Foley:** It depends on the demand, obviously, because vehicles are there. We talk in terms of \$20 million to \$25 million per mile, given a capacity of 20,000 passengers per hour. I don't know enough about the Lake Erie project but I don't think this is the appropriate technology to handle that kind of demand. I think it could probably be done with buses or a rail-type commuter service as opposed to this one. I don't believe you would have those kinds of numbers, even approaching 5,000 passengers per hour, but I don't know how extensive the development is.

**Mr. G. I. Miller:** It will be coming on stream. The steel plant may be making steel

this month. The potential is there. I wondered if perhaps it was prohibitive.

It's much easier to put a line in before than after the development. I think that's going to be the basic cost in Hamilton, getting the right of way and putting in the line.

**Mr. Foley:** My belief would be that the origin and destination of employees and visitors and so on to the facility would be so dispersed that it wouldn't have a very large demand.

**Mr. Philip:** It has only 2,000 employees at the moment, does it not?

**Mr. Foley:** It would have to take them all and even then it would be well below the threshold. I don't think it's a feasible technology for that kind of application.

**Mr. G. I. Miller:** What is the speed, Mr. Foley?

**Mr. Foley:** Our design speed, the maximum speed we design to, is 85 kilometres per hour, which is about—

**Mr. G. I. Miller:** A little over 50 miles an hour.

**Mr. Foley:** Yes. Since it's gone metric I can't remember it.

**Mr. Cunningham:** I have several more questions and then I can conclude for this portion of the estimates. What other projects are you looking at now in terms of work, what jobs are you looking at outside Canada?

**Mr. Foley:** In terms of intermediate-capacity transit system or everything?

**Mr. Cunningham:** Anything.

**Mr. Foley:** There are basically three market areas. The primary market is the United States. It has been a traditional Canadian market. It's one that is relatively easy to market in. They have a program called the downtown people-mover's program which has 11 cities in it, of which—Los Angeles, Miami, Detroit and St. Paul—are authorized to proceed now. There are other cities called second-tier cities. We are looking at Los Angeles, Miami, Detroit and St. Paul.

The rule of the game is that we can only have one project. They want to test at least three separate, distinct technologies. If we win the first project we can't bid on the others. We anticipate we will bid on two or maybe three of those systems. Bids are very expensive.

We know there are some reasons, both political and nonpolitical, why it would be difficult in some states to sell Canadian technology. There is a buy-America act now which provides substantial preference to

American corporations. We would like to see these get out of the way quickly and early on in the system, by winning one of those bids, so the field would open up a little without the buy-America preference. If there are no American bidders, we don't have to worry about the buy-America act. There's a strategic element as to which ones to bid for and which not to bid for.

Needless to say, the American market is as parochial as any market we will find in the world. It also has a technological ego which says it should be American. We don't find that particularly in other countries. They're not so concerned about—

**Mr. Philip:** The cable companies haven't found it, so I don't imagine you should find that.

**Mr. Foley:** Find it easy?

**Mr. Philip:** They haven't found that problem. Rogers Cable TV or Canadian Cable-systems Limited have been doing quite well in the United States.

**Hon. Mr. Snow:** They have had some problems too.

**Mr. Foley:** Exactly. I would suggest you talk to Phil Lind, because he has been trying to get into Minnesota for I don't know how long. He and I compare notes about the project because it is in St. Paul and Minneapolis.

**Mr. Philip:** I have talked to them and they suggest, although not on the record naturally, that one of their problems is that unlike in Canada, where we have such honest, forthright, incorruptible politicians, it isn't always the same dealing in certain areas.

**Mr. Foley:** I have no comment to make on that. The downtown people-mover market is obviously one we're reasonably excited about and we hope we can penetrate that market. In another we have now entered into a marketing agreement with Sumitomo Corporation in Japan. It's all in the document on page 29.

We are also involved with agreements with Metro-Cammell Limited, which is the large UK transportation company for the London Docklands project. The London Docklands project is probably the most extensive redevelopment program in Europe. At this point there are three invited technologies participating in that competition, a combination of Matra and GEC Rectifiers, a consortium, think from France and Franco Belge leading it, and ourselves with Metro-Cammell.

11:10 a.m.

The Japanese program is based on Osaka and is the new urban transit program in



Osaka. There is second potential for Yokohama.

In those projects it will be extremely difficult to ensure there is a high degree of industrial content from Canada, but our task is to ensure that the technology doesn't go without those industrial benefits.

**Mr. Philip:** I think you make an excellent statement on page 14, which I hope you will frame and mail to Joe Clark, because he obviously didn't understand it and almost scuttled an aircraft industry for lack of understanding, namely De Havilland Aircraft of Canada Limited. You say:

"The overall success of ICTS and other UTDC-developed products in the world marketplace will depend on the availability of sufficient bid funding and financial backing from governments and the private companies involved. It must be recognized that while the market exists and the technology is suitable and competitive, the costs for entering the contest are high."

It is clear we are into a game of competing with companies, dealing with foreign competition that is heavily backed by government or owned by governments, with the exception of the Americans and the Americans have ways of funding their companies indirectly.

Without asking you to make a political statement, do you find the new government is more open to this kind of thinking than the previous government in the few months you had dealing with them? Are you likely to see more assistance from the present government in assisting you financially, in doing what is necessary to make successful bids against foreign competition in foreign markets?

**Mr. Foley:** I obviously want to preface my comment I make with, "It is not a political statement." My experience has been that Canada in the last seven years has been ill-prepared to enter capital projects of a public nature, where the goods are sold to other governments or consumed by the public. We have no major project and have not succeeded in 10 years that I know of, outside of resource projects, which are oil and gas type technologies, or the nuclear energy program which is the Atomic Energy of Canada Limited operation in both Korea and Argentina.

**Mr. Cunningham:** What's Bell Canada or Northern Telecom Limited doing in the south?

**Mr. Foley:** In terms of the maintenance and operation and planning of the thing?

**Mr. Cunningham:** A big, big project.

**Mr. Foley:** The Saudi communications project they have is tied together with a consortium led by a European communications group. Bell is doing the training and the installation of switchboard equipment. Bell did, I think, a very remarkable job of that and consorted with a European venture. The distance between Bell Canada and most other Canadian corporations in the private sector in terms of size and scale to participate in this kind of venture is substantial.

We participate in planning and design. There are lots of Canadian consultants doing design work, planning work, construction design and even project management, but we generally do not end up with turnkey projects operated out of Canada and led by Canadians because of the bid-financing problem.

With respect to any project we get into—let's take the London Docklands as an example. It's a \$300 million project. London Transport is perhaps the most mature transportation operation in the world in terms of its requirements, its safety requirements, its knowledge about its system. That job will probably require between 50 per cent and 75 per cent bonding. The project will take at least seven years to complete.

Forget about financing the customer to pay for the goods, which is the normal process in nonindustrialized countries—not only does one have to put up the bonding and the risk financing, one also has to finance the customer so he can buy the goods in the first place. In London that wouldn't be the case. That means there is between \$200 million and \$290 million of contingent liability on the table at the beginning. The problem is it doesn't decline through the seven years. It stays there.

It is a big problem for any company to think of escrowing its line of credit for seven years over a project in London, when the political requirements are going to require a certain amount of United Kingdom technology and involvement. Until such time as there is a mechanism and an institution at the Canadian government level I don't believe we will have huge success without consorting.

The reason we are discussing with the Sumitomo Corporation and with the Metro-Cammell group in the UK is that I can see no other way to sell technology out of Canada except in partnership with other multinational and government-controlled ventures in those countries. I'm not complaining that is not suitable. I'm simply trying to respond to the problem of bid financing.

**Mr. Philip:** Another argument in favour of what you are saying is that unless one sets up that kind of mechanism one is always open to the whims of the government of the day to simply pull out. That's what was going to happen to De Havilland Aircraft of Canada Limited when the Conservative government decided, for whatever ideological reasons, to pull back on some of the projects and even to go so far as possibly to sell the company.

**Mr. Foley:** There is a more insidious process than that. A bid costs an awful lot of money. One doesn't bid on a transportation system without spending approximately \$1 million doing planning, estimating, even some design work. One has to understand the details of the design before one can bid on it and before one can put this kind of money at risk. To think of \$1 million as a bid cost for a \$100 million project says it's one per cent of the project to bid.

The problem is when one starts spending that \$1 million one has no understanding of whether one is going to receive any financing, whether one is going to get bid bond backing. In North America there are about six companies in what is called the reinsurance market. Any Canadian bonding company will place anything over \$10 million in the New York reinsurance market. That market has a limited capacity and it is not the least bit interested in bonding and putting up reinsurance for public transportation projects.

So it becomes a problem that one doesn't even bid because the costs of bidding are too high and the real uncertainty is, not whether one can deliver the technical goods or the manufactured goods, but that one can't afford to spend that money if one doesn't know that one's financing commitments are in place.

**Mr. Cunningham:** Where are you on the Miami project? Are you bidding on that?

**Mr. Foley:** The Miami project is likely to be called. It will go to the street some time in September or October. We have been working with Miami for about the last year in helping to find their specifications. They have been back and forth to Kingston. They have had their planners and technical people up doing various design work based on the system, and so on.

All those projects, of course, are turnkey projects. One does the whole thing and it will be technology against technology as opposed to a specification that is written around a specific technology. There is at least one year's advance work before they even call the bid in these jobs. We are working in Miami. We think Miami is probably a priority

for us. We lose the advantages, of course, of the ice and snow capacity and all of the climatology elements that are demanded by the technology but, if we can compete in Miami, it seems to me that the northern states are that much easier for us.

**Mr. Cunningham:** Are you working with the Ministry of Industry and Tourism on this?

**Mr. Foley:** Yes.

**Mr. Cunningham:** Are they specifically providing you with marketing expertise?

**Mr. Foley:** There are two things. Obviously, we need substantial relationships with the trade mechanisms that are in place in the Ministry of Industry and Tourism and also with the trade mechanisms that are in place in the federal Department of Industry, Trade and Commerce. The liaison between those two ministries is strong. They provide us with that.

They have also helped us in trying to define the buy-America application to this project. It's still up in the air whether the United States government is going to bring out regulations that will apply to each component or to the overall system. If it is the overall system we have no problem, but if they apply it to each component it is devastating. Industry and Tourism are helping in discussing and negotiating what those problems could be for us and how to get around them. It also is talking with its counterparts in the US government, in the state of Florida and other states, to ensure there is at least a discussion going on as to how this could hurt us.

11:20 a.m.

**Mr. Cunningham:** Kirk, I wish you well. We have gone through this for a number of years now. I think you will be back next year. It wouldn't surprise me at any rate. You have a number of impediments in the way of success. I would be happy to see it, but it's an uncertain market. In my view your technology is not developed yet. You have financing problems; you have buy-America problems; you have bonding problems; and not least you have competition from other countries and companies, and unfortunately for you and for us, because the people of Ontario are paying for this, the competition is greater than our ability to meet it. I don't say that with any joy.

Some time soon at your convenience would like you to send me the study you made reference to—

**Mr. Foley:** I will make a note of that.

**Mr. Cunningham:** As well, if you don't mind I would like to see what your agree-

ment is with the region and your projections with regard to the number of people you will move stated in a letter. I don't think we should discuss these things in public, but I would like an idea where you are bidding in the future, if you don't find that proprietary.

**Mr. Foley:** Not at all.

**Mr. Cunningham:** Okay.

**Mr. Philip:** I wonder if we can talk about the new-generation streetcars we see on our Toronto streets. Can you give us an update on the progress? Are they operational?

**Mr. Foley:** I tried to provide that. I can go through it generally. It starts at page two but let me see if I can summarize it.

As of this morning, there are roughly 35 of these streetcars. They are operating on the Long Branch, Bathurst and St. Clair routes and I think the TTC is this week going to open what is called the Russell carhouse in the east part of Metro which will then feed on to the Carlton line, King line and Queen line.

Right now Hawker Siddeley is on strike in Thunder Bay. We managed to have 80-some cars delivered prior to the strike. I am told the strike will be long; I have no information other than that provided by the company—that the strike looks as if it will continue for some time yet. We anticipate that we can keep the flow of cars going to the TTC for about another eight weeks. At that point we have no further shipments out of Thunder Bay, so we couldn't supply them to the TTC.

The cars are now operational and they are operating very well, we think. I have provided an explanation on pages three and four of the problems that occurred during the alt exposure.

**Mr. Philip:** That's what I wanted to discuss with you. Carry on.

**Mr. Foley:** The connectors that were found to have faulty insulation at the time have been replaced. There are still areas where we had ourselves with design and installation quality problems on a vehicle-by-vehicle basis. For instance, the treadle on some vehicles—on one particular vehicle it will be mounted improperly or it will have a connector problem. So there are a number of those but we expect as we get what we call turn-in time on each vehicle they will be discovered and eliminated.

Other than the straightforward insulation problem on the motor we don't see any other problems. They have been operating in Boston now for almost the complete 90 days. Oh, it's about 70 days. We have been operating 16 to 18 hours a day, which is con-

siderably more than we agreed to do. We have been operating seven days a week there and have had no technical or other problems.

Generally our view is that the problems now are just to deliver the cars and get them into service. The design or technical difficulties have been overcome and the car is performing, in most cases, as well as expected and in some cases better.

**Mr. Philip:** The American Passenger Transport Association did a major survey in 1978 and came to the conclusion that no one indicated any interest in an intermediate-capacity transit vehicle.

**Mr. Foley:** I don't understand the study because the United States government, at that time, had a major program of some \$500 million on what they called the downtown people-mover program, which is an intermediate-capacity vehicle. Buffalo, right now, is part way through a system they started in 1975 that, I think, costs \$400 million. They call it a light rail system which is an intermediate-capacity vehicle.

Portland and San Diego have already gone ahead and started that program. The US Department of Transport's Urban Mass Transit Administration has been an advocate. They have changed the name from time to time. We have called them ICTS, downtown people-movers—that is, DPM—automated guideway transit, light rail vehicles. They change the name of ICTS to whatever label you want to attach to it.

But I am amazed at that statement, because it has been a policy of the US government at the federal level for at least eight years to put all of their emphasis—at least not all of it, but certainly major chunks of their emphasis—on it. In a federally-sponsored program Boeing supplied the cars to Boston and San Francisco which are light-rail, intermediate-capacity transit markets. So I am amazed at the statement.

**Mr. Philip:** What concrete or encouraging evidence do you have that would indicate you are going to get contracts other than in Toronto?

**Mr. Foley:** The most we could say is we have encouraging evidence. Concrete evidence you will get in the future. I have been through this for several years, so I know when you are likely to get burned.

It's a very difficult process, but in Boston, for instance—and I take it with some pride, not just about UTDC but about the Canadian capacity—we have been able to maintain the transportation industry whereas the United States has not. Boeing has now gone



out of the business. Pullman is now out of the urban ground transportation business.

At least half a dozen other companies—some of the largest corporations in the US—didn't go out of this business just because they had some design problems. They had more design problems in many of their aviation products and in their other technological products. They have gone out of it because it's a very disruptive marketplace in the US. It is one in which they have found it difficult to overcome technical design difficulties which are in every product-development process and, at the same time, earn a rate of return on that business.

Now we also believe the market in the United States is maturing substantially, but there is a great deal of concern that some of their top corporations have not been able to withstand the pressures brought on by municipal governments and others for punitive-type contracting, for delivery requirements that are impossible to meet.

Boston came along with a new approach, which was to test the vehicle first and then say, "Does it meet our requirements" so you are bidding to an inventory, in effect. General Motors does not let you define the car you buy. They sell you inventory. We have put the car in Boston and it has operated successfully since the first day. We are hopeful that if they can get a procurement, the procurement will not be around some idealized specification any more, but it will be around a vehicle that has been demonstrated and is known to them.

Under those conditions the risks in the marketplace are substantially different. And they are reasonable. Now the biggest problem in Boston will be whether there are any bids, because there are no other suppliers. Everyone else wants them to have three European cars brought in and tested as they are testing the Canadian light-rail vehicles. They have all withdrawn.

11:30 a.m.

**Mr. Philip:** You might win that one.

**Mr. Foley:** I'm hopeful. But there are still the buy-America impediments; there are still the questions as to whether or not the municipality can proceed with this type of a procurement process, given the fact there are federal moneys involved. For instance, it has now been decided the moneys paid to Boston in settlement for the Boeing contract are federal moneys, not state moneys. So now the federal procurement requirements may apply in Boston. If they do then the game is open again.

But I think we are substantially ahead of any competition in demonstrating that the product works. And that means reducing our risk, which presumably should make us competitive.

**Mr. Philip:** Does Boston have any immediate local pressures that would lead them to speed up and therefore buy from you "off the shelf" as distinct from something more abstract?

**Mr. Foley:** Yes. In the winter of 1980 they will not have enough equipment operable to supply their services. Now, obviously we couldn't supply enough vehicles to solve that problem, but every day that goes by without an order and without a delivery process leaves them with a system that is continually failing. It is becoming a real political and public service problem. They are substantially undersupplied with vehicles. They had ordered 175 vehicles from Boeing of which they now have about 45 operational. So they need vehicles. That's the pressure.

**Mr. Philip:** Mr. Hart, of your ministry, was quoted in the *Financial Post* in 1978 as saying that Ottawa might be a possible location in the long run. Have you had any discussions with Ottawa?

**Mr. Foley:** I don't know what he was quoting on. I don't know that statement. It seems to me Ottawa's priorities are busways at present. Separate issue.

**Hon. Mr. Snow:** It is my understanding that in Ottawa's long-range plan in developing this busways system, a designated corridor for buses in which they propose to use our new articulated bus, the busway could be transformed to a light-rail right of way some time down the road if that is necessary.

**Mr. Foley:** I haven't seen that article. I don't know the quote, but I am certain going to discuss it with them.

**Mr. Philip:** I have no further questions.

**Mr. Chairman:** Are there any more questions?

Item 1 agreed to.

On item 2, research and development:

**Mr. Philip:** Before that carries, I do know whether it is appropriate to deal with it under this vote or not, but the whole process—I believe the minister said he would make arrangements to have us briefed on the interaction between his ministry and the Ministry of Energy.

**Hon. Mr. Snow:** I was just going to suggest before the chairman finally carried vote 26 because I know you want to discuss one with Ian Campbell—

**Mr. Philip:** I noticed him down there and I was hoping he would—

**Hon. Mr. Snow:** He is here and this is really where that should be discussed. So if you are through with Mr. Foley, I will ask Mr. Campbell—

**Mr. Philip:** We thank Mr. Foley for, once again, being stimulating and interesting. Maybe we can move on to the next item.

**Hon. Mr. Snow:** Okay, Mr. Campbell will come up and answer any questions on energy research and the work we are doing with the Ministry of Energy. I know you wanted to discuss that. While we are getting on to that, Mr. Eadie has details on that act which perhaps we could have before we close on today.

In answer to Mr. Cunningham's question about the poll study done on speed limits, the cost of it was \$3,660. I think the information and the attitudes shown in that study were well worth the effort in having it done.

**Mr. Gilbert:** Maybe, Mr. Minister, Mr. Campbell could give a brief outline of the transportation energy-management program at the beginning and where we are at this time and that might lead to some further questions from the members.

**Mr. I. C. Campbell:** I think it was something like three years ago that our division was involved in some futurist work, examining various problems that could affect the future of transportation. One subject area which really came out loud and clear was the problem with the supply of oil and energy in general in the next 20 years or so, and also the insecurity that results from the major oil suppliers being in the Middle East.

On that basis we approached our senior management—the policy committee—and recommended that certain measures be taken to address this in conjunction with the Ministry of Energy. Prior to this meeting and the presentation we made, we had contacted the Ministry of Energy and had discussed our plans and reasons for setting up an organization or a process within the Ministry of Transportation and Communications to handle the transportation aspects of energy, and particularly transportation energy; that is, fossil fuels or oil.

Transportation takes close to 50 per cent of the total oil consumed in Canada. It's a big problem. On that basis, we got the approval from senior management to go ahead and develop this transportation energy-management program.

The idea was that we should look particularly at the near term, the intermediate term

and the longer term. In the near term we would be addressing particularly conservation and transportation. This involved looking at the automobile, looking at the trucking industry and looking at the transit industry for conservation.

We set up quite a small organization at that time, and a co-ordinating mechanism whereby we had a co-ordinator within MTC who worked directly with the Ministry of Energy. They set up an appropriate co-ordinator in the Ministry of Energy. These two people worked together very closely. Obviously they were very interested in the conservation work we were doing. All of the projects we developed were discussed with them, pretty well approved by them, and we also received funding from the Ministry of Energy, mostly consultant fees and a small amount of salary money, with which to proceed with these projects.

The first project we did was the Transportation Energy Management Program, TEMP, phase one. It studied the whole area of transportation to see what were the opportunities, what were the problems and how should we address this matter of conservation and transportation. That study is complete. It has been published and is pretty well circulated in North America. We have had great demand for that study.

Since then, in TEMP phase two, we identified in greater detail urgent projects that needed to be done, particularly in the conservation area.

**Mr. Philip:** I wonder if we can deal with the study. I do not want to interrupt, but I am not clear on exactly what the study was designed to do or what you were covering in this study. For example, did you look into the regulation of the trucking industry and its effect on energy use?

**Mr. I. C. Campbell:** We looked at the automobile industry, the automobile fleet and the trucking fleet, in order to find out the best opportunities for conservation of gasoline and diesel fuel particularly. In the case of automobiles, we looked at ways to conserve—the tires, the engine, the driver—and the reduction of costs. We started projects to address those particular items. This came in phase two. Phase one was to identify the areas where we could get the best return for conservation.

11:40 a.m.

**Mr. Philip:** You were not at any time addressing the system of delivering goods and people and any alterations that could be made, changing or improving that system;

instead, you were dealing more with the physical hardware of the system. Is that correct?

**Mr. I. C. Campbell:** Yes, in automobiles and also in trucks, how best to conserve in engines and operations in this respect, and equipment—add-ons and so on.

**Mr. Philip:** I hope you looked at United Parcel Service which has done a lot of research in this regard. They have certainly come up with ways of saving their company an awful lot of money.

**Mr. I. C. Campbell:** One of the things we always do is research what other people are doing, in the United States, Canada and Europe. Certainly we are very aware of what UPS is doing.

Another thing we got involved with was planning studies, looking at the urban form and how it could be changed to improve conservation and the transportation of people and goods. This is another area of opportunity we looked at. Presently Metro Toronto, the Toronto Transit Commission and Hamilton are busily engaged in traffic and planning studies from the point of view of conservation. In addition, we saw the opportunities in involving the municipalities in conservation practices, both in hardware and in planning. That was phase one.

**Mr. Philip:** Hardware would include the building of loading docks, the local zoning bylaws, that kind of thing?

**Mr. I. C. Campbell:** No. We have not got into that part yet. We looked at how best to change, in the case of planning, the urban form to suit transit rather than the automobile, because we know that at present subdivisions are built specifically for the automobile and are not very easily served by transit—this sort of thing.

**Mr. Cunningham:** What do you do with roads, for instance? Has there been any consideration of encouraging municipalities to get away from three-way stops, four-way stops, turn lanes, advance lights, retrofitting light systems and that kind of thing?

**Mr. I. C. Campbell:** This was identified as an opportunity in traffic control—it was still phase one—traffic signals, stop signs, exclusive lanes for transit, car-pooling and van-pooling, situations where conservation could be achieved.

**Mr. Cunningham:** I have seen some figures on the fuel wasted at a four-way stop in an average municipality, and I just cannot believe them. They are incredible. We are all aware there is no easy answer and no one specific solution—it is such a complex prob-

lem—but I think we should start doing everything we possibly can.

**Mr. Gilbert:** This is one thing that is coming up in phase two. We are working with the municipalities on that. When I say "that," I mean a number of issues involving both the municipalities and the province. That work has certainly been very enthusiastically endorsed by municipal officials. They have put their technical staffs on various committees. As I understand it, it is going along quite well.

**Mr. I. C. Campbell:** Yes. That comes in phase two which starts the implementation of the various conservation measures Mr. Gilbert mentioned. We held a seminar for the municipalities—I think it was last fall—to get them involved in a municipal transportation energy co-ordinating committee. I think that is what they called it.

This started off with a seminar that lasted all day. We set up the committee, and now we are having seminars in every municipality. I think the municipalities are very enthusiastic about this. They are encouraged now to develop conservation measures of their own. This is ongoing. I think it has been going on for about nine months—anyway, since last fall—and it is progressing.

In addition, we have started projects on hardware, on automobiles, on trucks. We also have a project called Truck Save where we encourage the trucking industry to set up a panel or a voluntary organization which would encourage truckers to take certain conservation measures. We send out a list of possible measures and we have seminars. We have set up a panel now which will assist truckers to purchase the right vehicle for the right purpose. This is being very enthusiastically followed now by the trucking industry.

**Mr. Philip:** That's useful from a safety point of view as well. We were talking about that in the opening statement, the problem of the wrong vehicle pulling too much. It is often a safety problem as well as an energy problem.

**Mr. I. C. Campbell:** Some of the projects of course, involve maintenance, tires, fuel efficiency add-ons, wind deflectors and good driving training—we have a project on that now, apart from the Truck Save program. This is just an example of some of the maintenance techniques and other things we are involved with.

**Mr. Philip:** With regard to the fuel efficiency add-ons, is it not correct to say that there are none right now that have been



tested and that the consumer is being ripped off in his need and desire to save on energy? He is being ripped off by an awful lot of unscrupulous manufacturers. These products are not so much available on the market, because I went to a lot of trouble and a lot of research to try to purchase some of these things, but rather they are sold through car magazines that come in, basically, from the United States; indeed, they are being sold on a door-to-door basis in Ontario. It's hard to catch them.

I have brought it up with the Ministry of Consumer and Commercial Relations. People are buying these gadgets that range in price anywhere from \$2.50 to very large amounts in the \$50 or \$60 bracket, and they add them to their cars. In fact, the Ontario Motor League claims they haven't saved anybody anything.

**Mr. I. C. Campbell:** The add-ons we recommend—and there is a report out about them, or it's almost ready to go out—electric fans or fan clutches, block heaters, radiator shutters, radial tires at the correct pressure, result in a significant benefit. We also recommend, simple tune-ups of the engine. You don't need to say, "I want a \$60 tune-up"; you just have to get the ignition adjusted and the carburetor adjusted. That is all you need to get a significant improvement.

These are the suggestions we're putting out. We've got a pamphlet on tires right now, and other pamphlets are coming out on other methods of saving fuel. We've done exactly the same with the trucking industry. We have recommended certain very good measures and they're running these things on their own truck Save programs.

The add-ons you mention are particularly the devices that you add to carburetors and fuel lines. The PED device is one; Filter King is another one. There are a number of these things which we are asked to test, but we can't possibly test them all. We have an arrangement with the Ministry of Consumer and Commercial Relations and it is taking some of these things. In fact they have been dealing with Filter King for some time.

We usually ask that the inventors or pushers of these add-ons give us examples of tests before we even touch them, but it's very hard for us to get a handle on all of them. It is not our responsibility. Most of it comes through the Ministry of Consumer and Commercial Relations; it handles that part of thing. If they come to us we give them good advice.

5:50 a.m.

**Mr. Philip:** Filter King is the one that has attacked me for my attacks on the gas-saving devices. They claim the Ministry of Transportation and Communications did not do adequate on-road testing of their devices, and that I have been grossly unfair, then, in giving them a lot of bad publicity. The business editor of my local paper, the Etobicoke Gazette, tried one of these devices on his car, and he claims that it saved him gas. I suspect he saved gas because he also followed the additional instructions these devices carry which tell you that it's better to drive at 50 miles an hour than 60, to keep your foot steady on the gas pedal and not to accelerate when the green light turns on, and so forth.

None the less, Filter King is being sold extensively in this province. They claim that one of the cities—it may be Mississauga—has started to put them on some of the municipal vehicles. Something must be done by either the Ministry of Transportation and Communications or the Ministry of Consumer and Commercial Relations to clear up whether or not this Filter King is of any use to the consumer, because an awful lot of them are being sold on the claim that these newspaper reporters and municipalities are using them.

**Mr. I. C. Campbell:** We tested the Filter King because we were asked to do it. We did not do an extensive test because we didn't have the equipment at that time. But we did run the vehicle with some equipment we had, which is really not very good scientific equipment, and found that it didn't really improve fuel mileage.

Since then, the Ministry of Consumer and Commercial Relations has done several tests on it. We have provided them with some cars we have in our test area, but their consultants run the tests. What they have done with that I have no knowledge; we just help them to do the testing, give them advice and equipment and so on. Where this has gone from there I have no knowledge. It's in their hands.

**Hon. Mr. Snow:** From time to time I get letters in my office from different inventors or promoters claiming to have some device such as this. I don't recall whether the particular company you mentioned came to me or not, but I have had several letters over the last four years on this type of thing which, of course, I turn over to Mr. Campbell and his people to see what—

**Mr. I. C. Campbell:** I am aware of them but we haven't done any work with them yet.

**Ms. Gigantes:** Does the Ministry of Consumer and Commercial Relations have staff with this special expertise?

**Mr. I. C. Campbell:** They hire consultants, I understand, to do any testing.

**Mr. Philip:** I gather the area where there is some possibility of advancement is in the development of certain types of oils and greases. I had a visit from one company that showed me all kinds of test results done in the US and so forth, which I am still checking out. But in a very unscientific way my father-in-law, who is my expert on automobiles and rarely is wrong about these matters, informs me that there is a difference; that in switching from one oil to another, he actually gets better mileage on his car.

I am wondering if you have any comments on that. I gather that there are some new, metal-based oils which you don't need to replace. They sell for a lot of money, but do have some effect on wear and tear and on energy consumption.

**Mr. I. C. Campbell:** Yes. We have done significant testing on that, and have made some studies. There are synthetic and friction-modified oils on the market right now which do have significant efficiency effects. If there is 100 per cent acceptance by the fleet you get a 2.4 per cent saving in fuel.

**Mr. Philip:** Can you give us the brand names so we can go out and buy them?

**Mr. I. C. Campbell:** I couldn't give you the brand name; there are several. Molyslip is one, for example.

**Mr. Cunningham:** We're all on the way to Canadian Tire.

**Mr. I. C. Campbell:** Mobil is another and I think Esso has one. I think most of the oil companies now are getting into these synthetic and friction-modified oils. If you ask for them, you can get them.

**Ms. Gigantes:** Is one as good as the other?

**Mr. I. C. Campbell:** They are all very good. The synthetic tend to be better than the friction-modified, but you have to watch that you don't run them on a worn engine because the synthetic oils are very thin and you might tend to lose a lot of oil. There's quite a high oil consumption if you use them.

**Ms. Gigantes:** Is this in the report?

**Mr. I. C. Campbell:** Yes, we have a report almost ready to go.

**Ms. Gigantes:** Does it categorize the—

**Mr. I. C. Campbell:** The types of oil are in that report, yes.

**Mr. Philip:** So, in effect, when the report is published it will act as a consumer guide in this regard.

**Mr. I. C. Campbell:** That's correct.

We have looked at fuel-efficient tires, fuel-efficient oils, cold-weather devices, maintenance, use of wide-base radial tires and we have also looked at the driver. The driver is a particularly fruitful area per se. A good driver is—

**Hon. Mr. Snow:** Probably the most difficult to accomplish.

**Mr. I. C. Campbell:** Yes; driver education.

**Mr. Philip:** The wide-base or balloon tires, particularly in the trucking industry, are still illegal in this province. The ministry was doing some testing on the Michelin balloon tires. It was argued that it had a possibility of safety as well as energy savings. Have you done any testing on that?

**Mr. I. C. Campbell:** Yes. We have done significant testing on wide-base radial tires for the trucking industry. We have given the results to the Truck Save program. We see that there could be 1.5 per cent improvement in fuel economy with just these tires alone.

**Mr. Philip:** I hope some company other than Michelin, that tends to be so anti-union, starts producing some of these tires. We can then go out and buy from a company that has a higher standard of ethics.

**Mr. I. C. Campbell:** The other advantage, of course, is that the tires last much longer.

**Mr. Philip:** Will that report be published soon?

**Mr. I. C. Campbell:** Yes. There's a report out now.

**Mr. Gilbert:** Would you like a copy?

**Mr. Philip:** Yes, I certainly would.

**Mr. I. C. Campbell:** We have copies of various published reports if you wish to have them.

**Mr. Gilbert:** We could put together a package of what we have put out and give it to you.

**Mr. Philip:** Fine. If you could also give one to Ms. Gigantes, who is our energy critic, I think she would find it very useful.

**Ms. Gigantes:** Mr. Chairman, if I could just ask a brief supplementary, one of the things that concerned me when we had the discussion in the Ministry of Energy estimate was the question of how this information going to become available to the public.

I guess everybody in this room has seen the publications and advertisements the fex

eral government has been putting out on car mileage for 1980 models. These have been very useful for people when they are considering what kind of car to be buying if they are interested in energy conservation. How do we get this information to people? Whose responsibility is it?

**Mr. Gilbert:** This is something we have discussed on a number of occasions as part of co-ordinating our activities with the Ministry of Energy. They probably mentioned during their own estimates that we moved, with the Ministry of Energy, towards Energy Ontario which, whether it comes from our ministry or some other ministry working with the Ministry of Energy, is part and parcel of the Ontario government's effort to inform people as to what we know about energy conservation. The Ministry of Energy is aware of all the publications we have put out and strongly endorses them. They have the Energy Ontario symbol on the front to show that.

**Ms. Gigantes:** I have pinned up a newspaper page on my bulletin board so that when my husband and I are considering buying a new car, as we are, we can consult that information.

**Hon. Mr. Snow:** Buy his-and-her models. Buy those made in Oakville and I will be quite happy to—

2 noon

**Ms. Gigantes:** You give me money at a decent rate of interest and I will buy two.

I think to be able to have that kind of information available at the level where you can tear a page out of a newspaper and consult it and make sure that you are checking off the list of things you should be doing with your automobile is enormously important to the average person.

**Mr. Gilbert:** Part of our program with the Ministry of Energy is the distribution—

**Hon. Mr. Snow:** Most of these reports are just coming into being at this time as a result of work that we have been doing for the last year or so.

**Ms. Gigantes:** Let me ask more specifically, then, if it is part of this ministry's consideration to undertake the funding for a wide-bread public information program comparable to that of the federal government?

**Hon. Mr. Snow:** I think that this would more rightfully fall under the Ministry of Energy.

**Ms. Gigantes:** Have you discussed it with your colleague the Minister of Energy?

**Hon. Mr. Snow:** Yes. These studies we are doing are all funded pretty much by the Ministry of Energy.

**Ms. Gigantes:** Where are you in your negotiations or consultation with them about how the information is going to be distributed to the public?

**Mr. I. C. Campbell:** Let me explain again our liaison and co-ordination with the Ministry of Energy. We have an information branch, and the Ministry of Energy also has a very effective information branch; they work together as a committee. The material comes up from our co-ordinator and their co-ordinator and they decide in committee which areas should receive publicity on radio or television; such things as these.

A lot of this will be going out from now on. Based on these reports, we will be sending out this type of pamphlet, which is receiving a lot of demand, as a matter of fact. You will find them very useful.

**Ms. Gigantes:** Going out to whom?

**Mr. I. C. Campbell:** To the public.

**Ms. Gigantes:** How?

**Mr. Gilbert:** A good example is including a pamphlet when renewing drivers' licences.

**Mr. I. C. Campbell:** That's correct. We also might have them in liquor stores. We have them in libraries. We send them in bulk to municipalities, to service clubs and so on.

**Ms. Gigantes:** If you have a regular program of including this material in your licence-renewal application forms that go out regularly to people, presumably over the next few years we will be hitting every driver this way. How much is it going to cost? Does your ministry undertake the mailing costs, the publication costs?

**Mr. Gilbert:** What we send out, we would pay for.

**Ms. Gigantes:** Is this a commitment that everybody who is driving will get one of these things?

**Mr. Gilbert:** No, it's not that. The one I referred to is a little publication we put out which is the size of the envelope that goes out with the renewal of a driver's licence. When they are advised that they should be renewing their driver's licence they get this pamphlet on good driving practices. This is an ongoing thing.

**Ms. Gigantes:** Good driving practice is one thing; knowing what to do with your tires, what to do in terms of choosing an oil, how to warm up a car, all the things that are in here—

**Mr. Gilbert:** It is an ongoing thing. We are continually working with the Ministry of



Energy on the basis of what publication should be going out and how it should be done.

Ms. Gigantes: I guess what I am trying to suggest is that all this kind of information should be as available as possible. If we have to, we should follow in Ontario the model the federal government has followed with newspaper ads. It seems to me an idea worth considering very seriously now. Through you, Mr. Chairman, I suggest it to the ministry. I do think the federal government ads are enormously helpful to people and very, very welcome.

Mr. Philip: I have a comment in the same vein. It strikes me that of all the safety programs I have seen, the various pamphlets, et cetera, the most effective safety device was a TV program that was advertised for days in advance by saying, "Take the test." Then they did a TV program that dealt with specific driving situations and asked what you would do in those situations. People could actually participate in that TV program on safety.

I found it fascinating. I hope it is repeated several times. But it strikes me that many of the people I deal with on a day-to-day basis in my office may read a little pamphlet like this. They are not going to read anything very much more extensive than this. But they do watch television. The same kind of thing promoted either by your ministry or the Ministry of Energy dealing with how you can save money on the energy used by your car certainly would be followed by a lot of people.

The other problem we are faced with is that in many communities the people who have the older cars and who can least finance the smaller energy-efficient cars are people who don't speak English all that well. And certainly they don't read it very well. If we are going to reach those people with ways in which they can save, we have to have a multilingual approach. You will find many of the multicultural stations that people listen to are only too happy to have anything they can simply drop in as part of their broadcasting material, something that has no production costs.

I notice programs on energy are now done on some of the radio stations. I was listening to the Peterborough station the other day and they had one, I believe. That's the kind of thing that gets through to the average person. I listen to it on my car radio. I say: "Well, that's good. That makes sense." You might want to look at that approach.

But certainly the TV question approach attracted my attention. I don't know what the viewing audience was. It would be worth while seeing if there were any ratings figures on that safety program. But that kind of thing repeated on energy would certainly get a lot of information out.

Mr. Gilbert: May I say too, Mr. Philip, we make reference to the federal government both in the safety program and in energy. There is good co-ordination between the two levels of government as to what they are pushing and what we would be supplementing that with. This is going on all the time, Ian.

Mr. I. C. Campbell: Yes, we have frequent co-ordinating meetings with Transport Canada and Mines and Resources. We also get involved with joint projects with them. One of the biggest we have right now is the running of contemporary cars and engines on methanol. They are funding it and we are running it on a dynamometer as a typical joint project. We get involved with joint studies, too, so the co-ordination through the Transportation Energy Management Program reaches right through the federal government and the Ministry of Energy, and through the task force which has been set up recently.

This is now coming into another area, the intermediate and longer term power, which I haven't reached yet, task forces on hydrogen and synthetic fuels, liquid fuels. All the resource ministries are involved. We have significant studies and work in research to be done by the Ministries of Agriculture and Food, Natural Resources, Transportation and Communications, and to a certain extent the Treasury is involved, too, because of taxation and so on.

Mr. Philip: How does UTDC fit into your operations? We know there are experiment in energy conservation with the flywheel and that kind of thing but is UTDC subcontracting from you? What is the co-ordination between Mr. Foley—I see he has just left—

Mr. I. C. Campbell: This is not energy now, this is just how we generally co-ordinate with—

Mr. Philip: In energy and research. Are they conducting energy research on a subcontract basis from your ministry?

12:10 p.m.

Mr. I. C. Campbell: Well, UTDC is particularly concerned with electric propulsion. That is the best way to go, we know that. I think one of the biggest factors they have to go through electric propulsion.

We do some contract work with UTDC on certain propulsion fact matters, research projects and so on, but they are not involved with alternative fuels in a big way, although recently they were setting up a project with the National Research Council, with Noranda, which produces electrolyzers for hydrogen, and with TATO to develop hydrogen technology for transportation.

Now in buses this means converting diesels to burn hydrogen with a spark plug. The compression ratio is about right for that, but it has to have a spark plug. Also—

**Mr. Philip:** Now, this is original research? I understand the German government has buses almost on the shelf, right now. By 1981 they are scheduling their first buses powered by hydrogen to be on the streets of Berlin.

**Mr. I. C. Campbell:** This is not original research, no. This is where UTDC is getting involved in developing hydrogen technology or transportation in Canada and developing—

**Mr. Philip:** When can we expect to have hydrogen-powered buses on the streets of Ontario?

**Mr. Gilbert:** May I say this, Mr. Philip: the Ministry of Energy recently set up a task force under Dr. Johnson—and maybe during their estimates they mentioned this—which is really designed to co-ordinate all activities going on in the whole hydrogen area. We have a representative, Dr. Soots, on that task force and there are a number of projects they have been asked to look at on the basis of a co-ordinated attempt to see what can be done with the use of hydrogen in Ontario.

Although that is fairly recent, we did—and Mr. Campbell made reference to it—a report on hydrogen a couple of years ago. But things have changed and are changing and so we not only strongly endorse it but suggest with the Ministry of Energy that more work should be done on this.

Ontario Hydro, of course, is involved in that task force as well. So UTDC, although they are not a member of that task force, are a resource to it and, as Mr. Campbell says, they are in a position where they would be able to contract work and carry it out. TATO is another agency of the province that can do work as well. So that is under way at this time.

**Mr. I. C. Campbell:** The biggest problem is supply and portable storage and getting energy from hydrogen. Certainly there are magnesium hydride tanks, which are very lightweight tanks. This is a good way of doing.

To get any decent range you have to liquefy hydrogen—which is minus 280 degrees centigrade, which is cryogenic—but there is a lot of research going on right now. The technology for running an engine is no problem. The problem is to get the appropriate storage on a vehicle.

**Mr. Philip:** It just seems to me—I have pointed it out in the Legislature—that the amount of money the Germans are putting into this, in contrast to the amount of money we are putting in in Canada, is overwhelming. I am afraid once again the German technology is going to win out, because there the government, and admittedly it is the federal government, none the less, the taxpayers' money is going into adequate research in transportation using hydrogen.

They have an oil problem which is more extreme than ours, but none the less this is probably one of the fuels of the future and we have to do more.

**Hon. Mr. Snow:** If I might comment, Ian, some of the information we have had on propane as a fuel is somewhat encouraging to me—not as an expert in that area, but it is much easier to handle as far as tanks, storage and refilling facilities go.

**Mr. Philip:** It is a lot more dangerous than carrying hydrogen, is it not?

**Hon. Mr. Snow:** I can't comment on that, but we have many vehicles today operating on propane, forklift trucks in industry, and so on. Farm tractors can operate on propane. I have seen, not in this country but in the United States, articles in farm magazines showing farm tractors with these large propane tanks strapped on each side of the tractor. You can have a bulk storage tank of propane, say, on a farm or in a trucking company.

We were looking at the possibility of propane, not so much as an interesting alternative fuel for an individual vehicle, but certainly companies that operate a fleet—

**Mr. Philip:** A fleet of cars?

**Hon. Mr. Snow:** Not necessarily cars, but pickup trucks. I know in one discussion we had we were looking at our own operation in the ministry where we have fleets of pickup trucks in our different districts and regions and the possibility of having those converted or built to use propane.

The price of propane, the availability of it and the apparent surplus of it in Canada is very interesting. Of course the Treasurer's proposals in the budget of removing the tax from alternative fuels, such as propane, used

in motor vehicles will be a great encouragement.

I believe we had some information in Alberta, where taxis and vehicles of this type are using propane. Unfortunately they use their whole trunk capacity for propane tanks. If they have luggage they carry it on roof racks on the taxi because they have no trunk to put it in. Apparently even out there with the price of propane they weren't getting a large number of vehicles converting to it, but a number were.

It would look interesting to me from a fleet operation standpoint as so many companies operate a large fleet of pickup trucks or vans or delivery trucks of one type. I guess 10 years ago the Ministry of Government Services converted some vehicles to propane. We had Ministry of Government Services vehicles running around the city here with a sign on them that they were fuelled by propane.

**Mr. G. I. Miller:** Do they still have them? Are they still being used?

**Hon. Mr. Snow:** I'm not sure what they're doing with them now.

**Mr. I. C. Campbell:** There's a problem there that if you don't get the mixture quite right you're going to burn the valves.

I was invited to be on a panel at a fleet seminar yesterday where we dealt with hydrogen and propane. I was to represent all the fuels and put them in their proper context. The truckers were very interested in knowing the details of conversion to propane because of its cost now; it's a very cheap fuel.

An expert there dealt with propane and he said equipment developments recently make it an absolute cinch that once it is set up properly you won't get that problem of burned valves; you'll have no carbon deposit; you'll have no problems with acidity in your crankcase oil. It's a much cleaner exhaust.

**Mr. Philip:** There are no exhaust problems with hydrogen. I don't know enough about the properties of propane.

How does propane compare with diesel fuel and with gasoline? I gather there is some research now in the States that indicates the switch to diesel fuel that has been taking place may be producing a substance more carcinogenic than the carbon monoxide from gasoline we have been inhaling from our automobiles.

**Hon. Mr. Snow:** At the time Government Services, or Public Works at that time, switched its vehicles to propane the purpose of that switch was emissions, getting rid of the carbon monoxide pollution. That was

before I was Minister of Public Works so it goes back nine years now.

I think it was at the time Mr. Auld was minister, if I remember correctly, that those experiments were done. It wasn't really an alternative fuel from the standpoint of saving oil 10 years ago; it was an experiment done to improve emission standards or to prevent vehicles polluting. That was the reason for those tests. It wasn't for the same reason we would be doing them today.

12:20 p.m.

**Mr. Philip:** There was a statement by some company—I forget the name—saying that if it had some seed money to do the development—the research had already been done—it could produce methane from farm wastes and other garbage at 50 per cent of the cost of propane, and that it would not only be environmentally advantageous but also would produce a fuel that was even less expensive than propane. Are you aware of that statement? What is the reason we have not done more on methane?

**Mr. I. C. Campbell:** Methane is another word for natural gas, and natural gas is very similar to hydrogen in that you can't compress it to a liquid without reducing it, I think, to minus 180 degrees centigrade, which is very, very cold. It's not as cold as hydrogen, but it's getting there. Otherwise, you have to compress it in tanks at 2,800 pounds per square inch, the same as hydrogen.

That's the problem with methane. You can only get a very short range from a tank of methane unless you liquefy it.

The Ministry of Agriculture and Food thinks a better way is to have farmers develop methanol from their crops and waste and so on. Its tack on alternative fuels and synthetic fuels is for the farmers to be self-sufficient in energy, set up their own stills and develop methanol and convert their equipment and so on to methanol.

**Hon. Mr. Snow:** Those are not moonshine stills you're talking about, are they?

**Mr. I. C. Campbell:** Well, they have to denature it to make it undrinkable. This is one of the projects in which we are getting involved with the Ministry of Agriculture and Food.

**Mr. Philip:** I see our time is wasting. I wish we had more time on this particular item, but perhaps you will be good enough to appear on my local cable TV show and we can talk about it. I can ask some of the questions I didn't get a chance to ask now.



There are a couple of comments I would like to make. One is that it seems to me an area that needs to be explored is the whole problem of co-ordinating the movement of goods, the regulation aspect of it, and how that can save energy. I am thinking, for example, of the problem of the various operating authorities. Is it possible that in the regulations under the Ontario Highway Transport Board we may have to look at some kind of interchange of licences or of operating authorities? For example, with the proof of necessity or convenience it no longer makes sense to demand same-day service or next-day service if it becomes too energy costly. I think some adequate research will debunk the whole myth that somehow by deregulating the trucking industry you are going to save money on energy, or that you are going to save energy. As a matter of fact, I suspect it would simply show that you would have a whole bunch of gypsies picking up goods and competing for the transportation of goods.

There is also the whole problem of inadequate municipal building laws in terms of loading docks and so forth, so that trucks are often kept waiting with their motors running at the picking up and movement of goods. I think all of that has to be looked at. I am wondering if that is one of your next phases. Are you going to get into that problem?

**Mr. I. C. Campbell:** One of the aspects of the Transportation Energy Management program involves looking at such things as empty backhauls and eventually developing truck models. Yes, I think this would be one of the long-term aspects of the transportation management system.

**Mr. Philip:** Do we have any time frame for each of these phases?

**Mr. I. C. Campbell:** Phase two is the development of projects and getting into alternative fuels, and phase three, which we are entering right now, involves full-scale demonstrations. We are demonstrating with the trucking industry. I think we are going to get into full-scale demonstrations of using ethanol and propane.

Another demonstration being cooked up right now involves hydrogen, and we are doing this together with the Urban Transportation Development Corporation. Certainly we will also be getting involved with the movement of goods, particularly looking into empty backhauls and that sort of thing, which will save energy.

**Mr. G. I. Miller:** Mr. Chairman, I have a couple of questions for Mr. Campbell.

What does it cost to operate your part of the ministry. Do you have those figures?

**Hon. Mr. Snow:** I don't know. In the estimates book the total for the vote we are working on is \$12,839,000, but that is for the whole program. The energy transportation part—I guess that's what you are referring to—do we have a cost on that?

**Mr. I. C. Campbell:** For transportation energy management this year we have about \$1.5 million. Most of that is being supplied by the Ministry of Energy. We have maybe \$300,000 for our staff, at the most.

**Mr. G. I. Miller:** For your portion of the operation?

**Mr. I. C. Campbell:** That's for Transportation Energy Management Program.

**Mr. Gilbert:** That's not for the full research program. It is just for TEMP.

**Mr. G. I. Miller:** Has there been a saving in the utilization of energy in the past few years? Have the programs been coming along? Do you have information for it on a yearly basis? Are we utilizing the same amount?

**Mr. I. C. Campbell:** The use of gasoline and diesel fuel is going up and it will keep going up for several years, but the rate is slowing. There is a greater proportion of smaller cars and a greater proportion of diesels in the fleets, which is slowing down the rate of consumption of gas and diesel fuel.

**Hon. Mr. Snow:** But the program we are talking about here is really in its infancy. We are not expecting to see results fast, so we can't give you statistics. This has only been its second year of operation, I believe.

**Mr. I. C. Campbell:** It's only four years old.

**Mr. G. I. Miller:** Will it show up on the revenue side as money that comes in from taxes?

**Hon. Mr. Snow:** That money, Mr. Miller, doesn't come to the ministry.

**Mr. G. I. Miller:** It goes to the Treasurer.

**Hon. Mr. Snow:** All tax goes to the Treasurer. If the Treasurer in his budget removes tax from certain alternative fuels, that doesn't affect the budget of the Ministry of Transportation and Communications. It will effect in some way a reduction in the revenue coming into the provincial consolidated revenue fund. If a number of fleet operators were to convert to propane, for instance, as a fuel that is exempt from tax, that would affect the Ministry of the Treasury and its income. It wouldn't necessarily affect our budget.

**Ms. Gigantes:** Mr. Chairman, could I ask one brief question? I'm wondering whether your section of the ministry has investigated whether there is a market for Canadian-built, energy-efficient, safety cars? Have you had any discussions with other ministries?

**Mr. I. C. Campbell:** Certainly discussions have been held on the development of an urban car. I think discussions are being held with the federal government. I know of no plans to do this. I think the federal government would have to take the lead in the development of a new industry such as that; that is, a Canadian industry. But I would say, from our discussions with the Ministry of Industry and Tourism that with the opportunities here for alternative fuels, particularly in Canadian conditions, for methanol, which may not be the ultimate fuel but which will certainly be a very important fuel in the future, and with the specially designed engines required for that fuel, there is certainly a tremendous opportunity for Canada to get involved in that. Of course, the cost involved in developing the industry is enormous.

**Ms. Gigantes:** Can I ask the minister whether he has discussed this with any of his colleagues or federal counterparts?

**Hon. Mr. Snow:** I really don't know quite what you are getting at. If the question is, "Are we considering starting an automobile manufacturing plant?" no, I haven't discussed it.

**Ms. Gigantes:** I am not asking if the ministry is considering that but whether you, as Minister of Transportation and Communications, have had discussions with other government representatives concerning this subject. We are in a situation where we are considering giving hundreds of millions of dollars to existing car manufacturers.

**Hon. Mr. Snow:** We haven't really been in on that discussion; at least I haven't, other than as a member of cabinet, not as the Minister of Transportation and Communications. I know we have had briefings from the automotive manufacturing companies — like General Motors a few weeks ago — on the state of the art, what is being developed, the possibility of the electric car and things of that type, but as far as starting a Canadian-owned, government-owned or whatever manufacturing facility for automobiles is concerned, I certainly haven't been in on any discussions like that.

**Ms. Gigantes:** Is there any report to which we can refer which would sum up any considerations that have gone at either the fed-

eral or the provincial level concerning this subject?

**Hon. Mr. Snow:** Not that I am aware of.

Item 2 agreed to.

Vote 2602 agreed to.

**Mr. Chairman:** Mr. Minister, you said you had some report on that accident, I believe.

**Hon. Mr. Snow:** Yes. Mr. Lorne Eadie has information regarding the accident which he would like to give to the committee.

**Mr. Eadie:** Apparently the accident happened this morning at about a quarter to six. There were two tractor-trailers northbound for Toronto. They had left the Burlington Bay Skyway and they were just at the Plains Road structure—if you are familiar with that area—and they collided. They were both going in the same direction. Fire broke out and both drivers were killed.

Now the Queen Elizabeth Way northbound is closed and we have a detour to Plair Road so that traffic can get on at the other side. It is working quite well.

**Mr. Philip:** Are there three lanes at that stage?

**Mr. Eadie:** There are a number of lanes there, I think at least three lanes. That is just where one lane goes through to Toronto and the others go to highway 403.

**Ms. Gigantes:** Was it a rear-end collision or a side collision?

**Mr. Eadie:** I don't have that detail. I don't think it was a rear-end. I think it was a side collision, but I don't know whether they booted off too sharply or what. The Ontario Provincial Police are investigating the accident, of course, and those are all the details our people have at this time. Concerning the road conditions at that time, it had been raining and the pavement was wet.

The minister mentioned some work on the skyway, but it has absolutely nothing to do with this accident. Some structural repairs were started on Monday of this week. The northbound lanes will be reduced to one lane from 9 a.m. to 8 p.m.

**Mr. Philip:** Do we know what cargo they were carrying and do we know what lanes they were in?

**Mr. Eadie:** I asked, but they didn't have the names of the truckers. They might have them now, but when I phoned at 10 o'clock the police had not reported back to our district office in Burlington. They didn't know the names of the truckers or the cargo or understand the trucks burned.

**Mr. Philip:** It's interesting. One of the points I was trying to make the other day to the minister is that we simply have to have, in cases like this, a very clear and very quick indication of the cargo. They may only have been carrying vegetables or some other goods that are not hazardous, but it would be useful if, at the touch of a computer, we could find out exactly if there are any problems in terms of the cargo being carried.

It would also be useful if we could find out—and no doubt this will come out in the

police report—which lane the truckers were in when the accident happened.

**Mr. Eadie:** I am sure that will come out in the police investigation.

**Mr. G. I. Miller:** What time will that lane be open? Is it going to be open this afternoon?

**Mr. Eadie:** About noon or a little after. They thought it would be open by noon.

**Mr. Chairman:** This committee will adjourn until May 13 at 8 p.m.

The committee adjourned at 12:36 p.m.



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 Eadie, L. R., Assistant Deputy Minister, Operations  
 Foley, K. W., President, Urban Transportation Development Corporation Limited  
 Gilbert, H. F., Deputy Minister







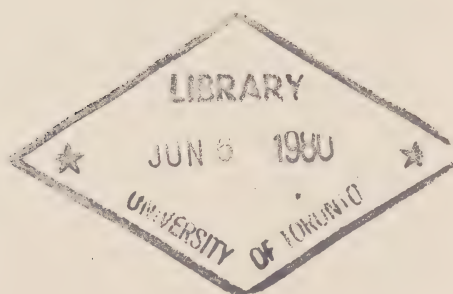


No. R-13

# Legislature of Ontario Debates

## Official Report (Hansard)

**Standing Committee on Resources Development**  
Estimates, Ministry of Transportation and Communications



**Fourth Session, 31st Parliament**  
Tuesday, May 13, 1980

Speaker: Honourable John E. Stokes  
Clerk: Roderick Lewis, QC

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# LEGISLATURE OF ONTARIO

## STANDING COMMITTEE ON RESOURCES DEVELOPMENT

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TUESDAY, MAY 13, 1980

The committee met at 8:04 p.m. in committee room No. 1.

### ESTIMATES, MINISTRY OF TRANSPORTATION AND COMMUNICATIONS (continued)

On vote 2603, safety and regulation program:

**Mr. Chairman:** All parties are represented. Mr. Young, you indicated you wanted to speak.

**Mr. Young:** Thank you, Mr. Chairman.

**Mr. Chairman:** We are on vote 2603.

**Mr. Young:** Vote 2603; right.

**Hon. Mr. Snow:** Mr. Chairman, before we start the proceedings this evening, as you know, at our first meeting of the committee to consider the estimates several members paid respects to Mr. Robert Humphries, the assistant deputy minister of my ministry in charge of the drivers and vehicles branch, who was retiring immediately following the first night of estimates. That was his last day with the ministry. I am pleased to announce his successor is with us tonight, the new assistant deputy minister of drivers and vehicles, Mr. Mark Larratt-Smith, Mark, stand up and take a bow.

**Mr. Chairman:** we have Mr. Bruce Alexander from the Ontario Highway Transport Board with us tonight. He was asked to be here to answer any questions. Do you wish to deal with Mr. Alexander first or later?

**Mr. Chairman:** Mr. Cunningham, as the critic for the official opposition, you should make that choice.

**Mr. Cunningham:** As a matter of convenience, there are primarily two items here today: licensing and safety, and the operation of the OHTB. It might be convenient for Mr. Alexander if we proceeded with the board aspect of it now. I do not think we will actually be all that long on it, and then he might be free to go and watch the hockey game.

**Hon. Mr. Snow:** You are being very considerate tonight, Mr. Cunningham.

**Mr. Chairman:** Is that satisfactory to you, Mr. Alexander?

**Mr. Philip:** I ran into a fellow out in the hall with a case of Scotch, but he said he wasn't looking for anybody called Alexander.

**Hon. Mr. Snow:** Did you send him to my room?

**Mr. Chairman:** Mr. Young, you can proceed.

**Mr. Young:** Mr. Chairman, if we are dealing with the OHTB, that's not what I'm here for.

**Mr. Chairman:** Okay.

**Mr. Alexander:** I have a very brief statement that I would like to make, if I have your permission, Mr. Chairman.

**Mr. Chairman:** Yes, sure.

**Mr. Alexander:** Pardon my voice. I have had a cold for the last couple of days. By way of introduction to the board's estimates, I would like to comment on the areas of spending that relate to the ongoing review of the board's practices and procedures. A full report on the review will be contained in the board's annual report, which will be available in about a month's time.

Our main budgetary increase has been in the salaries item and is a direct result of the review of the board's administrative processes which is now complete. This review involved changes in the board's organizational structure which to a large extent reflect the new emphasis on the public facilitator role of the board and the long-overdue updating of job descriptions and classifications of staff and members. This resulted in numerous salary increases and in the creation of additional promotional opportunities for staff which we believe will encourage personal development and the continuity of staff resources.

We believe we now have an organization that will provide a maximum degree of service to the public while retaining an efficient operation. We have budgeted for several new positions, most notably that of managing director, a position we hope to fill in the next few weeks.



These changes have been well received at the board and, from what we have been able to gather, by the public we serve. During the past year we have also funded a new pamphlet on board procedures, and I have copies of that in case anyone is interested in obtaining it; portions of our office redesign which now are in place; and an array of office equipment which has significantly increased staff productivity.

We have budgeted for some data processing development expenditures to allow us to study the feasibility of an automated system of licence storage and retrieval which would be available to the board and the ministry. This system could result in administrative savings and better service to the public.

8:10 p.m.

In the short run we hope to improve upon our initial word-processing systems and to automate our records so as to provide immediate information as to the status of all applications before the board. This would permit quicker responses to public inquiries, better follow-up and improved statistical and management reporting. We will also consider the feasibility of loading our index to reasons, and perhaps our hearing schedule, on to such an automated system.

These items account for the bulk of the increase in our budget. Other changes with minor cost impact include library expansion and provision for better public access, an increase in written reasons, an expanded index to reasons, broader distribution of policy statements, publication of additional pamphlets on board policy, publication of standard wording guidelines and the training and development of staff and members. I should add in relation to our budget that it is stabilizing, and we forecast no additional expenses in the years 1982 to 1985.

As you may know, Mr. Brian Caldwell is leaving the board at the end of this month. He has been of tremendous assistance to me and the board, and I wish to thank him publicly for his efforts on our behalf and wish him well in his new endeavours.

**Mr. Cunningham:** Where is he going?

**Mr. Gilbert:** To the Urban Transportation Development Corporation. He has done a wonderful job on the Ontario Highway Transport Board.

**Hon. Mr. Snow:** I am sure he will do a wonderful job at UTDC too.

**Mr. Cunningham:** He is a young enough man too that possibly by the time he is in his late 50s or early 60s he will see it work. I want to know if he gets danger pay.

I want to commend the chairman for the publication of his pamphlet, which I think is going a long way in clarifying procedure at the board not only for the shipping public but for prospective applicants as well. Many of us felt for a long time that the highway transport board, possibly in the old days, was kind of a closed shop, a bit of a clanny little club. One would be led to that conclusion sometimes seeing the old-boy network in opposition when it occurs. This new publication you have put out can act as an inducement for smaller people and the average citizen in Ontario to make an application to you board.

One thing I remain somewhat distressed about is the preponderance, I suppose, of opposition to cases. I think the time has come to give very serious consideration to coming down fairly hard on frivolous applications. This is a trend that should be developed in many of our regulatory agencies. We are seeing situations in which even the smallest project—for instance, a sidewalk in my constituency which is desperately needed—can be held up very legitimately by an application to the Ontario Municipal Board because the matter is being debentured. I don't deny somebody the right to appeal, but many of these appeals are used really to delay things. It is a great cost for people to bring down a lot of witnesses and find they are up against a great deal of opposition on what might be a very fundamental matter.

A friend of mine, who is not inclined to practise at your board very often, called me and wanted some advice from me. I was the wrong guy to call, but he was making an application for some people who were going to transport horses. I think they wanted a new D licence and an X licence because they were going to the United States. It just so happened that in their pattern of direction, because they owned a lot of the horses as well, they didn't want to come back empty all the time. They were opposed by three or four people who for all intents and purposes could never satisfy the general pattern or movement of these horses. It just seems to be a little sad that all too often one gets into such a situation. I don't know what the solution is. I would hope that the first costs might be assigned in frivolous applications, or there might be a procedure developed whereby opposition might be determined to be frivolous right at the start.

In simplifying your procedures, I hope all in this next year or so you would give serious consideration to accepting letters and affidavits. I will not get into a litany of various cases I have heard, but there are situations

where people will make applications, especially technical applications, such as a K application for a specialized type of service. People will come a long way. Witnesses are not all that happy about going before your board anyway, although they have nothing against your board. But for a shipper to take a day off work, possibly having to travel some distance, and then get worked over by a lawyer at the board is not a great encouragement for many of them. In many ways a legal affidavit filed through a lawyer could simplify the procedures and certainly would lessen the cost, which is getting to be extremely significant for the average individual.

I would hope that in this next year the government could give serious consideration to two fundamental principles when it comes to the dispensing of licences. The primary considerations should be energy conservation. Where possible, if an application can be determined to save energy, to save petroleum, every consideration should be given to that application.

This is not necessarily within your area or our ambit, but I do hope that the minister will be able to take some action on the request made by the Canadian Manufacturers' Association on private carriage and that, wherever possible, we consider and develop a program to accommodate interlining.

Way back when, before Mr. Philip and I had as much gray hair as we have now, we were talking about interlining C licences—I think we were talking about D licences as well—during the course of our select committee hearings. Possibly the time now has come for consideration of interlining, at least by way of regulation, by way of commission, of all sorts of licensed carriers. I hate to see trucks going around empty. I know sometimes you cannot eliminate empty miles, and it has often been the subject of great and detailed studies, but on many occasions it is our licensing process in itself which precludes the effective use of our limited resources.

I don't want to get into too many specific cases, but I have had an item of correspondence. Because the matter is still before your board, I am reluctant to get into it in any kind of detail but I would like you to take a look at it.

I had a frantic call from Mr. M. G. Cosella, who is a principal in Grein's Furniture Transport (1974) Limited of Hanover, Ontario. I don't know if you are aware of this gentleman's concerns, but I will pass the file over to you directly.

They were notified in January 1979 of an application for the extension of a licence to a company called Steinman's Transporta-

tion Limited. Since Grein's Furniture Transport did not have a licence at that time—they did not have a licence which was within their general area—they did not oppose the guy. What happened thereafter, possibly through a mistake or a deletion in some interpretation of their application, at least as published, was that these guys became the proud owners of a very lucrative licence that they did not apply for, if I am not mistaken. I will pass this on to you in the hope that something can be done. I don't think the company in question applied for what they got. If it is allowed to stand, the other guy is in real trouble. That is one case I would like to leave with you.

Hon. Mr. Snow: Mr. Chairman, I am aware of the particular case that Mr. Cunningham is talking about. I am not sure, since that case is before the courts at this time, we should talk about it.

Mr. Cunningham: I didn't know that they had made an application in the courts.

Mr. Alexander: If it is the Steinman case, it is before the courts.

8:20 p.m.

Hon. Mr. Snow: Yes, this case is before the courts. I have a copy of the letter you received, Mr. Cunningham. In the second paragraph of page three in that letter—I believe that to be correct—the matter is still before the courts. I am not sure we should be talking about it.

Mr. Cunningham: The case is concluded but they have not reported it.

Hon. Mr. Snow: I believe the review by the court has been heard, but no decision has been handed down. I am not a lawyer, but I still think it is before the courts and there is no decision. I have been familiar with this case for a period of time and I know it is before the courts. It seems to be quite some time that they have been waiting for a decision, but a decision has not been handed down. I understand the member's concern. I have concerns that are probably similar to his, but I don't think we can discuss it tonight because of the court action.

Mr. McKessock: Could I ask a supplementary to that? Steinman's received a licence, but it was appealed; then Steinman's put an injunction on it. They are trying to lift that injunction to get it back in to hear the appeal.

Hon. Mr. Snow: That is right.

Mr. Chairman: I think we should deal with some other action if this is before the courts, or we may all get into some problems.

**Mr. Cunningham:** I am satisfied that the minister is aware of what is going on. Perhaps I could ask him to advise me when he does receive Mr. Justice Maloney's decision and possibly to advise me what direction he intends to take on that. I tend to think it was a legitimate mistake and I am reluctant to cast any blame on anybody.

I would like to find out what your position is, Mr. Minister, with regard to the letter you received on April 24, 1980, from Thibodeau-Finch Express Limited of Windsor, signed by Larry Thibodeau, the president. The letter relates to class L permits and the kind of experience that class L permits—

**Hon. Mr. Snow:** A letter to me?

**Mr. Cunningham:** Yes. He was kind enough to send one to me. I was just wondering whether you were taking a look at it.

**Hon. Mr. Snow:** I don't recall that correspondence but I would be pleased to see what we can do.

**Mr. Cunningham:** It is another application that was made. Mr. Thibodeau makes reference to the fact that he was a respondent in a border application placed before the board by an American-domiciled carrier, St. Lawrence Freightways Inc. of Watertown, New York. The application was published initially in the Gazette on January 12, 1980, in the following terms:

"Applies for an extraprovincial operating licence as follows: for the carriage of goods in bond, in transit, through the province of Ontario between the following points on the international boundary with no pickup or delivery in Ontario. Points of exit and entry include Cornwall, Johnstown Thousand Islands Bridge near Lansdowne, Queenston, Niagara Falls and Fort Erie. Points of exit and entry, all points on the Niagara, St. Clair, Detroit, St. Marys, Pigeon and Rainy Rivers."

The application was brought before the board on April 23, 1980, before the chairman, Mr. Marrs and Mr. Duncan. Has this matter been concluded, Mr. Chairman?

**Mr. Alexander:** Yes, the matter was withdrawn at the time. It was never proceeded with by the applicant.

**Mr. Cunningham:** They have not re-applied?

**Mr. Alexander:** They have not re-applied. They then applied for a class L licence. The letter from Mr. Thibodeau relates to the class L licence and has a concern, I take it, about the transportation by American carriers through southwestern Ontario on a class L licence. I believe what happened with

respect to this applicant was that they then applied for a class L licence. As you know, a class L licence goes through the ministry and only comes through the board on a routine basis; it does not require a hearing and there is no demonstration of public necessity and convenience.

If I recall, I got a copy of the letter of the concern that Mr. Thibodeau was expressing about the use of cheaper Canadian fuel by the American transport.

**Hon. Mr. Snow:** That just shows how the world turns around 180 degrees. The complaint we used to get about the class L carriers was that they came in at Sarnia or Port Huron, travelled through the land bridge to the Niagara frontier and left the country without buying fuel and were leaving no dollars in Ontario. Now that the fuel prices have changed around, the foreign air carriers, the auto drivers, the truckers and the ships that call at our ports are all taking advantage of our fuel and we are still getting complaints.

**Mr. G. I. Miller:** Do you have any idea, Mr. Minister, how many gallons are involved or what the quantity is as far as the ministry is concerned?

**Hon. Mr. Snow:** I wouldn't have any idea. I know we hear considerable publicity about how many American automobiles come across the border to fill up with fuel. I have no idea and I doubt if we would have any statistics at all, because we are not really involved in it.

**Mr. Philip:** That falls under a different ministry, Mr. Minister. You shouldn't be expected to answer that question.

**Hon. Mr. Snow:** I wouldn't have any idea whether the Minister of Revenue, through the taxation, would have any idea. I am not so sure his figures would show that either.

**Mr. Cunningham:** They're required to file I believe.

**Mr. Alexander:** It's \$20 a trip.

**Hon. Mr. Snow:** Under the class L licence they pay a trip permit fee of \$20 per trip a lump sum fee that supposedly covers the fuel tax if they are not buying fuel in Ontario. Presumably if they are buying fuel in Ontario because the fuel is cheaper, they are paying a \$20 fee plus the fuel tax on the fuel they would purchase. I still don't think they would have to file unless they were filing for a refund or something.

**Mr. Cunningham:** I also have a letter from the Canadian Manufacturers' Association signed by its manager, Mr. Keen, dated



March 11, 1980. With that letter a brief is attached for your consideration, with regard to intercorporate private carriage. Have you or your ministry reached any policy decision with regard to some of the requests they have made?

**Hon. Mr. Snow:** No, we have not, Mr. Cunningham. We have received the brief from the Canadian Manufacturers' Association on intercorporate trucking. Just recently we have received—I haven't had time to read it in detail—a similar brief from the Private Motor Truck Council. I believe we have had some discussions with the Canadian Industrial Traffic League. I don't know whether we have received a brief from them; I don't believe we have.

From what I have seen in quickly perusing the Private Motor Truck Council brief, it seemed to be somewhat parallel to the Canadian Manufacturers' Association brief. These are briefs we have received; as I say, one was received a couple of months ago and one was received just in the last week or two. I do not yet have any recommendations ready on these to make to cabinet or the Legislature.

**Mr. Cunningham:** I have only one other question I would like to ask the chairman while he is here and then I will turn it over to the other members. How are we getting along with the grandfather applications?

30 p.m.

**Mr. Alexander:** We have approximately 90 applications, of which about half have been published under section 8; that is, they have been placed in the Ontario Gazette. They are at the stage where what has been applied for can be sufficiently defined and public notice can be given, but they have not been scheduled for hearings.

We are still having discussions with the applicants on the other 45 and are attempting to define the application sufficiently to be able to publish it in precise enough terms for people to know what they are applying for. From the way our calendar is going at the present time, I suspect that hearings with respect to the probation areas will commence early in the fall.

We haven't completed the process of getting enough of them in place to be able to do it this spring. At the present time, our calendar is pretty well full until June and even into July. It is very difficult to get people together in July or August, particularly counsel, for that type of application, which will be a major one. We would like to hear them all at the same time so that we

can apply the same principle to all of them. But they are coming along quite well.

**Mr. Cunningham:** Did you get more in that 60-day extension period?

**Mr. Alexander:** Quite a few more; maybe 30 or 40 more in January and February.

Could I just respond to a couple of points you made, Mr. Cunningham?

You talked about the possibility of proceeding on the basis of affidavits. In fact, with respect to unopposed matters, we now are proceeding on the basis of affidavits. The problem comes when there is an opposed application and the opposition feels it has the right to cross-examination, which it does under the Statutory Powers Procedure Act at the present time.

I don't know how we are going to get around that. I think we would find that the bar and perhaps the Attorney General would feel people should have the opportunity to cross-examine witnesses when an important principle or important application is involved. Having sat on applications, I am satisfied that the process of cross-examination does add a great deal to one's understanding of the case. We can only do that if the witnesses are there and available to be cross-examined.

I don't know how to get around that. Maybe we could select some cases to put on to public hearings and leave the discretion in the board to decide which ones are sufficiently important that witnesses should be called and cross-examination involved, while setting aside the others to be dealt with on an affidavit basis.

You mentioned energy conservation. I am finding that an increasingly difficult subject to deal with on the board. We find that even though it now has been highlighted by the order in council and the policy statement to the board, both applicants and respondents are using it in ways that would suggest that either approving or denying the application would improve energy conservation.

It seems to be the same old problem, that there is just so much business going in two directions. An applicant is going to take away one person's balanced load and the person with the balanced load doesn't want to lose it. It often seems to be the case of taking the energy efficiency and transferring it from one operator to the other. I don't know how, as a board, we can move dramatically in the direction of energy conservation, based on the information available to us in the process we go through. It is very difficult to decide in these cases. Sometimes the best way of allowing energy conservation to take place

is to allow the marketplace, the people involved, to make decisions based upon the prices they have to pay for fuel and the customers they have to be able to serve in order to try to establish the most efficient operation they can.

What I am saying is I don't think the board's ability to highlight energy conservation as a principle of public necessity and convenience is a panacea to the energy crisis. It is something we are paying great attention to, but I don't see any immediate and dramatic results.

With regard to your first point about opposition to applications, our concern is not so much over frivolous applications. They can be fairly easily handled and fairly easily identified. The problem is the ones that are strenuously opposed. In the economic conditions we are facing at the present time, I suspect they're going to be even more strenuously opposed, simply because a carrier is reluctant to give up the business he has to people getting into the field at this point. If he sees a shrinking market, he's going to fight for every bit of it he can. Our statute allows him to do that, not on a frivolous basis, but on a very serious basis.

**Mr. Cunningham:** I'm not saying that opposition is frivolous in every application that is opposed. If you like, I could go through my files for letters of complaint I've had, and outline for you, without even naming the applications, the nature of the objections.

I'll give you one example, and this is a case. Dundas Tire made an application. They wanted to get a class D licence. They were represented by a fellow named Kerr from Burlington. They made an application to carry Michelin tires from a Toronto location back to Dundas and occasionally, if they had a damaged tire or whatever, in that same pattern of movement.

The only reason they wanted a licence—they weren't in the trucking business and had no desire to get in the trucking business—was that it was the only way they could be compensated by Michelin for the transport costs. It was convenient for them, if they had a service vehicle, or if their truck was more or less in the area, to make that movement. They made the application and it wasn't granted.

I'm not complaining on their behalf, but they were opposed, and I think they were well opposed. The harsh fact of reality is that nobody else carries those goods anyway.

The only advantage for the company was that if they were granted the D licence, naming that product and that location, they

would then be able to submit their bills to Michelin. Michelin won't accept their gas bill or a letter from them indicating this was the cost incurred to them for moving the product to Dundas Tire in Dundas. That's one example.

**Mr. Alexander:** The frivolous application is fairly easily identifiable. They tend to sort themselves out when the opposition finds out from the applicant exactly what they're asking for. We find that opposition was aroused completely or in part, before the hearing.

It results in scheduling problems for us. To an extent, we receive opposition simply because the opposition want to find out exactly what is being applied for. Sometimes what's published doesn't tell them enough. When they do find out, then they withdraw. We're happy to see that, because it resolves problems for us, even though it sometimes creates gaps in our hearing schedule. As long as it is done well enough in advance so that people involved are able to avoid coming to a hearing, we're satisfied.

But I take your point, and it is a good one. It is one we're paying attention to.

**Mr. Cunningham:** On the subject of affidavits, it really is pretty tough. If someone applies for a licence and wants the support of some people that he most definitely should have the business, if it is a one-man or two-man operation and it is any kind of distance, it is a pretty tough proposition to get the person who runs a florist's shop in Leamington to shut the store down for a day or two to come all the way down to Toronto for application. If you could accept his affidavit as a sworn affidavit, as supplementary evidence.

**Mr. Alexander:** If it were unopposed, would accept his affidavit. If it were opposed, we wouldn't bring him to Toronto; we hear it in Windsor or London probably. In the opposition, under the Statutory Powers Procedure Act, could insist this witness under oath and ask him to respond to questions. I don't know how we'd get around that. It is a real problem for us. It adds the cost, but that's the process. It is everything else. As soon as you get a licence once you're into the club, you're the one to insist upon the right of re-examination.

**Mr. Cunningham:** It's like fraternal hazing.

**Mr. Alexander:** That's right. But that's the way the system works, and I don't know how you change it. Licensed carriers should not forget that at one time they were licensed and having the same problem.

We've set the rules and they just play according to them.

8:40 p.m.

**Mr. Philip:** Mr. Alexander, no doubt you've read several times the standing resources development committee report on the inquiry into the Ontario Highway Transport Board, prior to your chairmanship. Can you tell us which of the recommendations in that report you have implemented to date? If you didn't anticipate that question, Mr. Cunningham or somebody else would have asked it.

**Mr. Alexander:** The first recommendation has to do with impartiality. We have drafted, and it was distributed to the board members, a memorandum dealing with conflict of interest. We have had numerous discussions with the Ministry of the Attorney General, with our counsel and with board members about the implications of section 18(b), which seems to contain constraints and restraints on board members.

We received, as the resources development committee did, a copy of a letter from the Law Society of Upper Canada, indicating they were satisfied that the rules of conduct set out for members of the legal profession in Ontario were sufficient to cover the concerns of this committee with respect to appearances before administrative tribunals of the board.

There is an additional indication they felt it would be improper and inappropriate for a provincial board to set up its own rules. That was a matter the resources development committee took the initiative with as far as the Law Society of Upper Canada is concerned. We have not pursued that any further.

**Mr. Philip:** Are you saying the position of the Law Society of Upper Canada is that, if you were to set a series of rules similar to those of the Interstate Commerce Commission, that would be improper in the view of the law society?

**Mr. Alexander:** Yes. I take it from the way their letter was worded that they felt very strongly that not only were the rules in the Law Society handbook—which is issued to all lawyers—sufficiently comprehensive and sufficiently stringent to cover the areas of concern to the resources committee, but also that it would be inappropriate for our board to establish its own rules. We have not pursued that any further. Mind you, it's a joint responsibility of the resources development committee, the ministry and the board to pursue it.

**Mr. Philip:** When you say you have not pursued it any further, is that an indication that you accept that position as being a valid one, or that you're still discussing that position, or that you're still discussing the possibility of setting your own rules and justifying them?

**Mr. Alexander:** Maybe I should make a distinction between the rules of conduct and our own procedural rules. We are developing our own procedural rules on a day-to-day basis and attempting to publish them. Some of those involve concepts from these other rules, but they are not in conflict with them. They are certainly not extensions of them.

We are developing our own procedural rules, but we would not introduce into our own procedures a rule that would be in conflict with, or in addition to, anything that is already covered in the law society rules of conduct.

**Mr. Philip:** You will admit that the rules of conduct, as defined by the ICC, are quite distinct from the rules of procedure, and, therefore, any rules of conduct that you do decide on would be quite distinct from the procedural rules, even though your procedures might affect the conduct?

**Mr. Alexander:** That's right. The procedure might be a reflection of the rule of conduct. In other words, it might embody it.

**Mr. Philip:** An example of the kind of procedure that might affect the conduct is the recommendation that no member of the board involve himself in the decision-making process unless he is present throughout as a member of a panel hearing the case. It is my understanding that you are following that rule of procedure.

**Mr. Alexander:** I think that is stated in section 18(b)(4), if I am correct, which makes it quite clear that only the people who sit can make the decision. I think that is fundamental.

I should also say that section 18(b)(1) makes it clear that members can discuss with other members for the purpose simply of consultation, and I think that is necessary, particularly if your concern is to have consistency in decision-making. It is particularly true with new board members who have to have the opportunity to discuss general concepts and policies with other board members. But it is clear and well understood that only the people who sit make the decision. That is their prerogative; they are the ones who sign it, and they can't involve anyone else in the process.



**Mr. Philip:** Is it clear under your rules of procedure, or at least in some way perhaps informally understood, that such a consultation originates with the person who is hearing the case and not with a person who is not involved directly in the case?

**Mr. Alexander:** I think that is what happens. That is not a formal, written rule.

**Mr. Philip:** In other words, if I were to set down a possible rule of conduct, I might say it would be improper for a member of the board who is not hearing a case to initiate a discussion on that case with the member who is hearing the case. I would consider that to be interfering in some way and possibly opening myself up on the board to the charge of influencing in some way the decision of the case.

On the other hand, if I am hearing a case and I seek the advice of the chairman or some other member of the board, then that, of course, would be quite different. One is the seeking of the advice; the other might be misinterpreted, perhaps wrongfully so, and in most cases perhaps absolutely wrongly, as influencing in some way without cause?

**Mr. Alexander:** It is difficult to draw lines like that and make rules, because the initiative may not be clear in any particular case. It may simply be two members having a discussion, and one saying to the other, "You had a case that was similar to one that I had," and a discussion beginning, one party not intending to initiate the discussion.

We are evolving that way, we are beginning that way; and it seems to me, when you have a group of members who are meeting regularly and discussing regularly, those sorts of rules would be very difficult to enforce. They would create a fair amount of inhibition with the members in discussing matters with each other, which is necessary if they are going to have some common basis of understanding of what they are doing.

**Mr. Philip:** Allowing for that free flow of discussion, which I think is necessary, as you say, for new members of the board, if it is inappropriate, and I certainly would consider it inappropriate, for me to call you if you were sitting on a case and to say, "I have a constituent who has an application and he is a good guy" or for whatever reason, surely it might be similarly inappropriate for another board member or anyone else to approach somebody who is in a judicial function and bring up a particular case.

I am just suggesting to you that unless that is understood, you may find yourself, further down the line—perhaps not under your chairmanship, but years after all of this

is forgotten—at the point where there will be a case where somebody will say that so-and-so made a decision and then he was called into so-and-so's office, and we would go through the whole ugly business we have been through. I am saying in that instance it may well be worth your while to determine who initiates, accepting the need for free-flow information and consultation.

I will get on to another topic, that of the report, and that is one I feel very strongly about. Our committee recommended that a registry of complaints be established and maintained in a centralized complaint-handling centre and be open for inspection by the public. By the public, we meant anyone who may want an application, or a solicitor, or anyone who wants to apply for an operating authority. Do you feel that would be a great criticism of who is applying for an operating authority, that it is very costly to go out and bang the bushes to get witnesses to prove there is dissatisfaction with the present operators and therefore, to prove there is a market or a necessity for their service? Do you agree that this kind of recommendation, if implemented, would be of assistance in overcoming those who perhaps argue deregulation on those grounds?

8:50 p.m.

**Mr. Alexander:** There are two aspects to that. I see the initiation of a complaints registry as being helpful to the ministry in terms of its investigation and enforcement. Those are the things that give them leads into questions of the operation of the various licence holders. It is often on the basis of those things that full-fledged investigations, reports and enforcement take place.

It is my understanding of the ICC at the present time that most enforcement is based upon that type of complaint. They don't go out and look for contraventions, but come upon them in that manner; so you do build up a file on a carrier, and a type of record.

The concern we have at the board is more of a legalistic one. If you have a file of letters of complaint, what weight do you give to them, given that they are not sworn, that is very difficult to bring the people in to corroborate what they said and that they can not be cross-examined? These are very legalistic terms, but you can see the possibility of that being abused by someone who wants to build a case against someone simply by having letters of complaint written. The board has no basis of being able to determine the veracity of the letter or the integrity of the complainant.

**Mr. Philip:** Surely the onus, though, is on the applicant to go through these files th

are open to him, to decide which ones will build his case, and to submit those references, those letters or those people to the kind of cross-examination that would come in any kind of application.

As a matter of fact, that is what he does anyway. The only difference now is that he has got to go out and, I submit to you, is more likely to trump up weak witnesses who may be more open to hearsay and trying to please the applicant. If you do have an on-going file, the applicant can say, "Here are a series of complaints; this seems to be the pattern and, therefore, I can bring in these people to prove my case, or they will stand up before the board."

It is not your job as a board to find out, at least during the hearing of an application, whether these witnesses stand up or not; it is the job of the applicant. When you have a series of complaints, as you have said, your role surely is only to initiate action to find out whether the operating authority should be removed, regardless of whether there are applications for that same operating authority.

**Mr. Alexander:** That would be a ministry function, at least under the interpretation of the act at the present time. The initiation of a referral would be with the ministry. I think that is appropriate, because they have the investigation and enforcement functions and they can make a decision about whether to go about laying charges or making a reference to the board.

I agree with you. I think it is a very valuable function. There are two aspects to it. One is the consumer service aspect; that is, simply being able to determine, and maybe satisfy, someone who is dissatisfied as a user of a service. The other is building up a record against that licence holder. They are two distinct things and they both should be followed up by someone.

**Mr. Philip:** Would the minister care to comment?

**Hon. Mr. Snow:** I am sorry; what—

**Mr. Philip:** I think Mr. Alexander just expressed some support for our all-party committee recommendation that a registry of complaints be established and maintained at a centralized complaint-handling centre.

**Hon. Mr. Snow:** I agree with Mr. Alexander that, if that were to be set up, it should be in the ministry and not in the board.

**Mr. Philip:** You say, if it could be set up; would be—

**Hon. Mr. Snow:** I said if it were to be set up; I did not say it could be set up.

**Mr. Philip:** My question to you is, when will it be set up?

**Hon. Mr. Snow:** I am not prepared to answer that question.

**Mr. Philip:** Can you at least answer the question about whether it will be set up?

**Hon. Mr. Snow:** That is under consideration.

**Mr. Philip:** When can we have the results of your consideration?

**Hon. Mr. Snow:** It is a recommendation—and I am not making light of it, Mr. Chairman—that deserves consideration. I do not think it is the role of the licensing body to carry such a file.

The ministry now maintains a file on infractions. We have a file on every carrier regarding the number of oversize vehicle situations—the number of overloads, overwidths or overlengths; all those types of records—so we know the carrier's record. You have to get this information in focus. For a company with five trucks to have 50 overloads in a year is a pretty serious situation. But for a company that has 500 trucks to have 50 overloads in a year is—I wouldn't say acceptable—perhaps more in reason.

I am not dismissing the idea of a complaints register. I think it could be maintained in a way similar to the way we maintain a list that can give a report on the number of, say, overloads.

We could also enumerate consumer complaints, whether about poor service, lost shipments or unsettled claims. That information certainly would be worthwhile to have. I accept the question of the authenticity of the complaints because, as we all know, we sometimes get complaints that are not very authentic, which is the point Mr. Alexander has raised.

I am not saying I am going to give you a commitment that we are going to implement that today. I would like to look into the resources, the amount of staff and cost involved in maintaining such a register. This type of thing, like any new program or expansion of a program, would have to get Management Board approval and so on to implement it. From our point of view in terms of enforcement and statistics, that is certainly worth looking at.

**Mr. Philip:** What happened to the suggestion of the select committee for a consumer hot line in the moving industry? Are you satisfied that is not necessary? How many cases are referred to you from the Ministry of

Consumer and Commercial Relations? I would imagine the average consumer, if he feels that he is being ripped off by a mover or has a disagreement with a mover, probably calls the Ministry of Consumer and Commercial Relations rather than your ministry.

**Hon. Mr. Snow:** I believe the moving industry has its own association involving all the people in the household goods moving industry. Perhaps Mark Larratt-Smith could explain it in more detail, but they have an industry-run complaints bureau, which I understand is quite satisfactorily looking into and dealing with consumer complaints about the moving industry.

**Mr. Philip:** One of the questions that has always amused me—and you may not want to answer it, but I would appreciate an answer if you would care to give one—is, did you threaten the moving industry with enforcing the select committee's report unless they did something themselves?

9 p.m.

**Hon. Mr. Snow:** I never threatened anybody in my life, Mr. Chairman—except members of the opposition, of course.

**Mr. Gilbert:** I think it is safe to say that any time there are recommendations that government should take action, a responsible organization or group of companies will move towards trying to—I don't like to use the term "clean up their act," but that is what it amounts to. I don't think that is unusual at all. In fact, I think it's sometimes a good way to keep on top of them.

**Mr. Philip:** In a roundabout way I think you just said yes, but I won't press you any further.

I wonder, Mr. Alexander, if you have seen a copy of a speech made by Stephen Flood to the Sault Ste. Marie Lakeshore Kiwanis Club. It brings up a number of issues which I think are fascinating. In view of the limited time, you perhaps won't want to address all of them tonight, but I would appreciate your comments at some time on them. I'll quote a couple of them. He says:

"How can one talk about deregulation or regulation if we don't know what they want the trucking industry to achieve?"

He gives examples of confusion and says: "I want to go through the Minister of Transportation and Communications' outline of objectives for the trucking industry. First of all, we are to support Ontario's economic productivity. Okay, you know that it makes an awful lot of sense for a trucking company to support Ontario's economic productivity,

because we move more goods than all the other modes combined. Any activity by a trucking company that doesn't promote a good healthy economy is self-defeating."

Then he says: "So as an objective it's fine for us to support Ontario economic productivity; the question is how."

I wonder if the minister is going to set such broad objectives. I suppose he is guaranteed that everybody is going to agree with them and they are going to be met, but I just wonder if he wants to comment on that one.

Let me go through a few of them and then the minister can take his pick. I think it's a beautiful speech. I wish that I had written it.

**Hon. Mr. Snow:** Didn't you?

**Mr. Philip:** No, I didn't.

"We are to use capital equipment and manpower resources efficiently. What does 'efficiently' mean?"

Maybe Mr. Alexander has some definition of efficiency. That brings up the whole thing that Mr. Cunningham was talking about: what is efficiency and how do you weigh the energy component in today's society?

"Does it mean that we do it with the least amount of capital, the least amount of equipment, the least amount of manpower? Is that efficiency? Or does efficiency mean that we give a certain level of service?"

"The next objective is to promote the efficient use of energy and minimize empty movements. That is a fairly specific request. We are going to be efficient energy-wise and reduce empty miles, but at what cost? In other words, do we order all the shippers in Toronto selling to customers in Sault Ste. Marie to take a number and then pick up their freight starting on Monday morning and proceeding in a certain sequence, perfectly in order, then deliver it? That would be tremendously energy-efficient."

It goes on to say:

"But will it be consistent with the next goal, which is to be responsive to the existing market demands and change thereto both in terms of the level and type of service? What about the receiver in Sault Ste. Marie who wants goods on Wednesday but there isn't service scheduled until Wednesday at 4 p.m.?"

That brings up the whole matter of same day service that we discussed in the select committee. It may be absolutely unreasonable to expect that kind of service at a time when energy conservation is a prime objective.



"Are we to have competition if, in effect, having competition will promote empty miles?"

Those are some of the questions that Mr. Flood poses, and I think they are valid questions. If they are going to have objectives and goals in this ministry, then they have to be spelled out in such a way that we can understand them and not be this kind of motherhood stuff that no one has been able to understand. I am sure that you at the Ontario Highway Transport Board find it very difficult when you are trying to interpret necessity and convenience.

**Mr. Alexander:** You're right in the sense that that is the first statement of the public commercial vehicle order in council. That is the policy statement that is the major thesis under which the board is operating at the present time. We consider the precepts there to be relative. To an extent, they are contradictory. Our function is to attempt to shape them and to give them some meaning. We are getting a great deal of assistance from the legal profession, and some imaginative assistance.

The problem we see is that they can be used one way by one lawyer for an applicant and another way by the same lawyer for a respondent. We have to try to come up with some understanding that results in policy that gives some sort of direction.

**Hon. Mr. Snow:** Mr. Alexander, wouldn't you say that if the cabinet guidelines on policy were so black and white on ruled pages that there would be conflicts and that would really tie the Ontario Highway Transport Board's hands so much that there would be no discretion in the hands of the board to deal with the eyeball-to-eyeball situation you have in hearing a case and hearing the witness and the applicant?

**Mr. Alexander:** To an extent, it is a reflection of the reality of the case that is before us. We get these competing factors every time. We get someone who has a good case for energy conservation and we get someone who says that energy conservation may be fine for one carrier, but his production line is going to shut down tomorrow unless he has same-day service. Those conflicts are inherent in the sorts of applications that come before us.

Productivity and efficiency are words we all use, and we seem to use them more and more now that we are going into a recession. They are watchwords that are of concern. The problem to anyone who is in the position of making decisions is to try to give them definition. That is what we try to do.

But they do reflect the reality of the hard decisions we have to make from day to day.

**Mr. Philip:** I can see you make policy by making certain decisions and by recording them. By being able to point to certain decisions as being key decisions, you evolve policy. But surely a lot of the policy has to come from the Ministry of Transportation and Communications.

I look at the next objective: "Trucking is to be provided by an appropriate mix of small, medium and large carriers." That is a very ambiguous objective. Surely what you have to have is some statement at some point in time by the ministry saying: "In our analysis of the present economy of Ontario and in our analysis of our economic objectives, there seems to be an unreasonable mix of large, multinational, foreign-based companies," or "Certain carriers of a certain size don't seem to be getting their fair share of the market," and, therefore, this is one of the considerations you take into account in applications before the board.

Again, at this point in time, because of the energy crisis the ministry might say: "Same-day service should only be given when it is related to this type of product, and less weight should be given to other types of products, unless proved otherwise." The onus would then be on the shipper to prove to the ministry that his product deserved a higher priority.

Without that policy, you are basically flying by intuition and by whatever may have been done in the past in trying to interpret the ministry. I just don't see it. We have the legislative framework now for the minister to give policy. I say to you that unless he starts answering those questions he is not doing the job that the act we all approved gave him the power to do.

9:10 p.m.

**Mr. Gilbert:** This is the tightrope you walk, as the minister said, when you're trying to outline policy to the board. You run a real danger of taking over the board's function. To go back to the comment you made, Mr. Philip, about saying there appears to be too large a mix, I think that is a follow-up to the policy.

We had a great deal of discussion in coming up with the policy that ended up by order in council. It may be, in your terms, too broad, but I think it has to be accompanied by a follow-up to see if what is happening in the board has changed anything. That goes back to what the chairman was saying earlier, that it is too early to see whether the decisions are having any real

effect on energy. I think it is a continuing thing. It is not only coming up with policy; it is a follow-up to see whether the board's actions actually have changed anything once the policy has been given.

**Mr. Philip:** I am suggesting, though, that the policies are so broad that the board is open to criticism that perhaps should be levelled at the minister if bad decisions are made. I suggest to you, for example, that it is the minister's role to decide whether competition is needed in a particular area with the railway because we need to open up an area and, therefore, to send the policy directive to the board saying, "In this type of instance, with these kinds of economic objectives in this province, here are some of the considerations that you might want to use in consideration of applicants in this particular instance for these economic reasons." The ministry does not do this under these objectives. They are so broad that you can justify anything under them.

If that act is to mean anything, then you have to follow up with something more specific than this. I am not saying, Mr. Minister, that you tell Mr. Alexander and his board what decisions they make, but you certainly have to have something more specific than this, because the industry does not understand it—obviously the executive vice-president of the Ontario Trucking Association does not understand it, or he would not ask these questions—and I don't understand it. Quite frankly, I don't think the board does either.

**Mr. Alexander:** I can say two things. One is that, to an extent, those guidelines reflect—and that is one of five guidelines; others are more specific. Mr. Philip, you may know there are guidelines that cover the class W, there are guidelines that cover cartage situations, and we fully expect what you are suggesting with respect to specific matters, that we would get additional guidelines if the government felt that additional direction was required to be given to us.

But, to a large extent, the general guideline is a reflection on what the board had been attempting to do in a rather inarticulate way in the past. Many of those considerations have been at the heart of the board's decision-making process and have been, in part, a public necessity and convenience. To the extent that they now are public, people at least know the sorts of arguments that make an impression on the board. We regard that as an important first step.

We also think that it is going to take time to see what happens, how they are applied.

The British North America Act—I don't mean to bring this up this week—

**Mr. Philip:** It is the wrong week to do it, it was last week.

**Mr. Alexander:** It did not mean anything for 100 years, and it is still a growing and living document. It is what happens to it over time. I think you will see that these guidelines will have more meaning once the profession becomes more familiar with them, because there are situations to which they are relevant and I think we are going to be coming more to grips with them in the next year or two.

What the deputy minister said is quite correct. What we need to do after a year or two is monitor what has happened and see if we have achieved anything in terms of those objectives over the period of time that we have been applying them.

**Mr. Philip:** I think what we are into is perhaps a philosophical difference between me and the minister. I see the role of government as the—

**Hon. Mr. Snow:** Obviously, there always has been quite a philosophical difference between Mr. Philip and myself.

**Mr. Philip:** I happen to believe that government is there to lead. I believe that the role of government is to involve itself in the planning process and that transportation is an essential element in that planning process, in that the economic priorities of the government must be set up and must be translated into policy that, in turn, finds its way to the board through the act we all passed. The board, therefore, is to make decisions on applications in the light of the economic policies the government sets up and the Minister of Transport and Communications translates to the board through policy directives.

These objectives, so far, are too broad. They allow you to get off the hook and justify practically any decision. Then the board, which should not be blamed, is the one that often gets blamed or will be blamed for bad decisions, be it the Greyhound-Gray Coach application, the UPS application or any one of a number of other controversial applications. I think you have a certain responsibility not to have the board take the hell for decisions you should be making in terms of policy, and these policies should change from time to time.

You showed leadership, admittedly struggling and kicking under the boot of Mr. Rapoport and a number of other people when you finally decided to put a freeze on R licences, because there were too many in

the market then for the economy to stand. I say that was a policy directive. Based on your indications that there was a need for loosening up on those R licences, you then sent out a policy directive to the board that in effect said, "You can loosen up because the economy now is such that we can allow more in."

**Hon. Mr. Snow:** No, we didn't say that at all. We said to the board that it should hold regional hearings on the R licence situation to bring forward all parties, obtain evidence and report on its recommendations as to whether there were sufficient R licences.

**Mr. Philip:** That was another way of saying to the board: "There are some areas now that probably do not have enough dump trucks in our opinion. You had better find out what is happening at the local scene, because our general directive of a freeze on R licences no longer makes any sense."

It made sense for you to make the decision. We applauded it when you finally did that. It probably made sense when you loosened up, which was the result of your decision. But at least in that instance you showed some leadership. I am saying you have not shown leadership since then except for the act you passed that gave you the power to set objectives.

**Hon. Mr. Snow:** That act was passed just a year ago or thereabouts. The policy guidelines were developed, and transmitted to the board. These guidelines will continue to be added to or modified, or new guidelines may come up from time to time. I don't believe the guidelines the ministry submits to the board should be so concise that, in effect, they grant licences.

**Mr. Philip:** You keep bringing up that red herring when you know very well I have never suggested that, and nobody has suggested that.

**Hon. Mr. Snow:** You suggested it just a few minutes ago.

**Mr. Philip:** I certainly did not.

**Hon. Mr. Snow:** You suggested just a few minutes ago that there should be guidelines as precise as to say there are additional carriers of a certain size needed in a certain area.

**Mr. Philip:** That is an economic decision. I don't say that John Brown gets his application granted. It simply says we have the wrong mix in terms of carriers. There is quite a difference.

**Mr. Gilbert:** There is no proof of that at this time. As I was saying, you have to

monitor what is actually happening to come up with these follow-up comments.

I also would like to say, Mr. Philip, that those are the formal guidelines that are given to the board; but at the same time, the board is given a copy of the ministry's five-year guidelines, which are produced each year. I know they are informal and what have you, but the board is presented with those guidelines, which make information available to the board as to the overall direction in which the province is going as far as transportation is concerned. I would think the board chairman and his members would be aware of that. I agree they are not formal guidelines as going by order in council, but certainly there are guidelines that are coming out of the ministry.

9:20 p.m.

**Mr. Philip:** One last question: In the applications before the board, am I to understand that if I were to use as part of my application the labour relations record of the company I am seeking to compete with, that would be ruled out of order?

**Mr. Alexander:** What is your question?

**Mr. Philip:** As part of my evidence, if I can bring proof of a bad labour relations record with the present carrier on that route, the carrier I wish to compete with, and therefore get an operating authority, am I correct in saying that would be ruled inadmissible evidence before the board?

**Mr. Alexander:** It wouldn't be ruled inadmissible. If it were presented in a form the board could accept as evidence, it would be admitted. The question is what weight it is to be given. That would entirely be relevant to whether it relates to the question of public necessity and need—that is, whether that labour relations record has had some impact on the ability of this carrier to perform his responsibilities as a licence holder. That could be relevant.

**Mr. Philip:** I had a call from a trucker today who said his company and his union were so worried about successful applications against their company and the proof of service that it is not uncommon for his company to call up drivers who admit they are either not feeling well or that they are tired, asking them to get back on the road and deliver a service.

The union is uptight in this particular case about added competition coming into that area and, therefore, is reluctant to press its issue on the safety grounds. The employees are worried about the competition from other companies in the successful application. So



safety and employee relations are being violated out of fear by the union and fear by the company.

I suggest that in instances like that, perhaps the employer-employee relationship in a company should be considered against the applicant. He will say, "I have met with the union. We cannot deliver this service because we have X number of employees. Here is how we are using them, and same-day service or next-day service doesn't make sense under these circumstances. We tried it and this is what happens." I am wondering whether you accept that kind of evidence before the board.

**Mr. Alexander:** It would really be a question of whether it would get in front of the board. We wouldn't be aware of it unless someone brought it up. It could certainly be presented to us and evaluated, but I suspect in circumstances like that we would never hear about it.

**Mr. Philip:** Do you very often have, other than in a case like the Greyhound, Gray Coach or UPS application, unions appearing before the board?

**Mr. Alexander:** No. Very rarely.

**Mr. Philip:** The CP case was brought up in my leadoff statement. Have you any comments on that?

**Mr. Alexander:** No, I don't. I noticed it was covered by the ministry at that time. It certainly was my understanding of what the situation was, and there is nothing really I could add to that.

**Mr. Gaunt:** Mr. Chairman, I wanted to raise a matter having to do with a problem in our part of the country that involves a company by the name of Music Mann Leasing Limited. That is a very nice-sounding name, but it has created some considerable discord—far more discord than harmony, in terms of its operation and its impact upon the chartered bus lines in our part of the province.

As I understand it, what this operation is doing is really circumventing the law. The buses are leased to a group that wishes to charter a bus for a specific purpose. The driver is provided. I don't know about any other arrangements with respect to insurance or any of those things. But the fact is that through this leasing arrangement, this company is able to circumvent the public commercial vehicles licensing requirements.

It is of great concern to the bus lines that are licensed because obviously it has an impact on the business they do. These people come in and are able to offer cheaper rates

because their overhead isn't as great. They don't have the same requirements. They can fly in and fly out so to speak. It really is quite disturbing to the legitimate chartered bus lines in the area. A fee is being charged to move those people from one place to another and back again. Yet these people don't come under the provisions of the Public Commercial Vehicles Licensing Act.

My question is what can be done about this because it doesn't really seem fair. As a matter of fact, it is a discouragement to the legitimate operators. Why should they go to the bother of proving their case before the board if someone else can come in and operate completely unlicensed in terms of the public commercial vehicles board and do it apparently unhampered? Obviously this operation has found a loophole in the act. I guess Mr. Alexander doesn't really have the responsibility of enforcement—that belongs to the minister—but my question really is, if there is a loophole in the act is it going to be plugged, and if so, how quickly?

**Hon. Mr. Snow:** Mr. Chairman, this is really something that shouldn't be asked of Mr. Alexander because it is not a matter of licensing or an application before the board at all. I don't believe Music Mann ever made an application to the board. I am very familiar with the situation. There have been a number of charges laid under the Public Vehicles Act. This is not the Public Commercial Vehicles Act.

**Mr. Gaunt:** Oh, the PV act, right.

**Hon. Mr. Snow:** The Public Vehicles Act is the act that covers the bus industry. It is certainly of considerable concern to the bus operators right across the province. We are reviewing it. We have had cases in the courts, which I won't attempt to go into in detail. We have had some convictions in the courts and we have lost other cases in the courts. There is certainly a weakness in the legislation and we are pursuing that vigorously at the moment.

**Mr. Gaunt:** How vigorously?

**Hon. Mr. Snow:** Very vigorously.

**Mr. Gaunt:** Are you going to introduce an amendment to the act, and if so, when?

**Hon. Mr. Snow:** All in the fullness of time.

**Mr. Gaunt:** That McKeoughism can get you out of a lot.

**Hon. Mr. Snow:** With all due respect, this is a matter that is under very active consideration right now. Amending legislation has a process to go through so I can't tell you I am going to continue this tomorrow next week. All I can say is that it is a matter

we are very concerned about and pursuing actively right now.

**Mr. J. Johnson:** Mr. Chairman, may I ask a supplementary? I think I face the same problem in my area. Are we talking about regular bus routes, or are we talking about extra bus routes that take away from the regular routes?

**Mr. Gaunt:** No, I am talking about charters. Where the women's institute wants to come down here to Toronto or wants to go to the CNE.

3:30 p.m.

**Mr. J. Johnson:** Yes, but in many cases there are regular bus routes that take them on this trip so there is a couple of hours' difference.

**Hon. Mr. Snow:** No, that's not really the situation. We have done a considerable study in the whole economics of the motor coach industry in Ontario, and on the importance of the charter operations to the scheduled route carriers. I am sure not all, but I think I am safe in saying most bus line operators who operate regularly scheduled runs of one type or another also have charter privileges covering the district of their operation. The smaller and medium-sized bus companies rely rather heavily on their charter operations in some cases to cross-subsidize unprofitable scheduled routes. This is an important business to them.

It is perhaps less important to some of the major inter-city carriers who tend to make the bulk of their revenue from their major scheduled routes. But certainly as you get to rural Ontario, many of these smaller operators get much better utilization of their equipment in off-hours to take groups to hockey games, service clubs, meetings and all sorts of things like this. The problem is that a certain amount of the cream is being skimmed, I guess you would say, off this business by certain operators who don't have operating licences and have been doing it under the guise of a leasing situation. This is the problem Mr. Gaunt and yourself and others are encountering.

**Mr. J. Johnson:** My supplementary would be that I hope some consideration would be given to letting the people running regular routes have the benefit of these extra routes whatever you want to call it, to encourage them to give increased transportation. In many areas in Ontario, in Mr. Gaunt's and mine particularly, we need all the extra bus service we can get.

**Hon. Mr. Snow:** That is perfectly right. Within the ministry over the last few months

have done an extensive study with the co-operation of the bus industry into the whole economics of bus lines and their degree of dependence upon charter operations, tour operators and bus parcel express, for instance, as supplements to their revenue. We are very cognizant of the fact that any great increase in this type of cream-skimming would have a very serious effect on the overall industry. I hope to be able to come forward with some answers in the very near future.

**Mr. Gaunt:** Would it be possible to have such an amendment this session?

**Hon. Mr. Snow:** Anything is possible.

**Mr. Gaunt:** I want to underline again that it is a serious problem. There are three or four companies in the area who operate regular routes and who do have a fairly sizeable charter business in addition to that. They are being very adversely affected by this. My understanding is that this company is in the process of purchasing an additional fleet of buses, some 10 or 12 additional buses to operate in this way. I think that operation should be stopped. If they want to conform to the law like everyone else, fine, then there is no problem.

**Hon. Mr. Snow:** Then they should be licensed.

**Mr. Gaunt:** Then they should be licensed. That's fine, that's quite proper. They make application and go through the same hoops as everyone else.

**Hon. Mr. Snow:** We had an interesting situation in my own area a matter of a few weeks ago. Maybe some of you read in the local press about the famous event called the Boyne stag. It was a stag party held by an organization to raise funds to take a certain group of hockey supporters to a certain hockey game. According to news and press articles, certain actions went on at this particular stag party that may have been a bit indiscreet. I am sure you know what I'm talking about.

**Mr. Gaunt:** We don't have those up in Huron-Bruce.

**Hon. Mr. Snow:** In any case, funds were supposedly raised. If you read some of the local press in the Milton area, you will get all the details which I won't recite into Hansard. The somewhat comical part of it was about a week and a half after this so-called stag was held—I read all about it in the paper—I got a call from the local bus operator who, to add insult to injury, found out the funds raised at this event were used to hire Music Mann Leasing Limited to

come into town and steal the trip away from the local bus operator to take this group to a hockey game.

**Mr. Gaunt:** You have some first-hand experience with Music Mann, I can see.

**Mr. Makarchuk:** The girls were imported as well.

**Hon. Mr. Snow:** Probably the girls were imported too, I'm not sure.

**Mr. Gaunt:** I understand that one of the principals in the company is called Quinn. I believe he was the subject of some considerable discussion last year at the inquiry before this committee.

**Hon. Mr. Snow:** If that is the case, I am certainly not aware of it.

**Mr. Gaunt:** I can't verify it. The bus operator who came to me with the information said Mr. Quinn was one of three principals in the company.

**Mr. J. Johnson:** What company?

**Mr. Gaunt:** Music Mann.

**Mr. J. Johnson:** Music Mann? No relation apparently.

**Hon. Mr. Snow:** I understand there may be a man by the name of Quinn connected with it but apparently he is no relation to the Quinn in the trucking business.

**Mr. J. Johnson:** Mr. Minister, I am a little bit disturbed about this. I sat in on that hearing and I was very concerned about the implications levelled against Mr. Shoniker, a man I respect. The name you mentioned was brought up many times. I am very concerned that it should be mentioned again. I would like it clarified, if not tonight, certainly by the time we have another meeting, if this same name applies. I don't want to go through another of these hearings. I am extremely agitated by the implications and the attack that was made against Mr. Shoniker.

**Mr. Gaunt:** I didn't raise the name to get into this.

**Mr. J. Johnson:** Maybe we could have a clarification.

**Mr. Gaunt:** I am repeating the information that came to my attention. I wasn't part of the inquiry, you understand, Mr. Johnson. I simply knew the name was the subject of some discussion before that inquiry. That was the information conveyed to me. I simply pass it on. If this Quinn is no relation to the other one, fine.

**Hon. Mr. Snow:** I can't tell you who the shareholders or owners of Music Mann are, Mr. Gaunt. I am sure, because it is a limited corporation, you or I or anyone else could

find out through the Ministry of Consumer and Commercial Relations who the officers and directors of the company are. It doesn't necessarily tell you who the shareholders are but certainly the name you mentioned has never been brought to my attention in connection with Music Mann.

**Mr. Gaunt:** The bottom line to it all is there is a problem. There is a loophole in the act and it should be plugged. I encourage the minister to do so. I will leave it at that.

9:40 p.m.

**Mr. Makarchuk:** Mr. Alexander, when an applicant is turned down, receives a document that says he has been denied a certificate and phones your office to find out why he has been turned down, why don't you tell him or give him some idea—or do you do this? Is my information wrong?

**Mr. Alexander:** It would depend. Very often if he is turned down, the panel member who is sitting will advise him at the time. He might be given a decision from the bench and would know under those circumstances. If he phones the board, no one at the board can tell him because only the member who sat and made the decision can issue the reasons to advise him. We had 200 cases this year. We automatically issue reasons. In other cases, because we make 5,000 decisions a year we don't issue reasons. But all that person has to do is request reasons.

**Mr. Makarchuk:** In writing?

**Mr. Alexander:** Yes, in writing, just simply to give us something so that we know he is the person involved. If it is declared in writing to us, we automatically have to issue reasons. It is a matter of law.

**Mr. Makarchuk:** It might just boil down to a matter of common, good, decent public relations. I suppose a person may not have the time to write, but he phones up an apparently gets the impression he is being totally ignored. That raises a resentment within him about the bureaucracy and how this government operates.

I don't have any reason to try to bail out you or the minister for what you are doing but it reflects adversely upon the whole process of government and the operation of your department. Somewhere along the line you should try to improve your communication and assuage the concerns these people have.

When a person makes an application and when you get affidavits from certain people or certain businesses that state this person provides a service and is the only person around who can provide that transportation service, which may affect their operation



they don't have it, do you take those factors into account in your decision? If you deny the application the person provides, how do you rationalize the whole thing? In other words if people put in affidavits to the effect that the only way they can operate is through this person providing them with transportation services, if you then deny them the services, do you take into account the effect it would have on the business itself?

**Mr. Alexander:** It shouldn't happen. We have a system now whereby, if you can prove to us and can satisfy us through affidavits that it is an urgent situation where no one else can provide the service, then we can issue an interim or temporary certificate to you immediately. We should be in a position to provide the service. No one should be denied service. The only basis on which we would deny an application is if there is someone else in a position to provide it.

**Mr. Makarchuk:** But who makes that decision? I have an interim application here that was denied. There is an affidavit in there with respect to this particular carrier, who wishes to remain nameless for fear because he has other applications on file. This says something about the operation of your office as this element of suspicion still hangs in there. I don't know why you allow that or how it has been created.

**Hon. Mr. Snow:** Just a minute. Are you looking at me and my office because, with all due respect, I don't make the decisions?

**Mr. Makarchuk:** You are the minister responsible; let's put it that way. It is within your ministry.

**Hon. Mr. Snow:** No, it is not within my ministry. It is the Ontario Highway Transport Board.

**Mr. Makarchuk:** What are we doing here discussing it if it is not within your ministry?

**Hon. Mr. Snow:** With all due respect, it is not within my ministry and I do not influence the board in any way.

**Mr. Makarchuk:** You certainly set the policies, you certainly appoint the people, you certainly affect the administration and how it functions, et cetera.

**Hon. Mr. Snow:** The board reports to the legislature through me and functions within the act.

**Mr. Makarchuk:** All right. It is just like every other agency of government that reports through the ministry to the Legislature. What I am concerned with here is the fact that somebody out there feels if he raises so much stink about it, if he starts ques-

tioning some of the actions of the board, somehow his future operations will be jeopardized. That is not the way you should operate or the way people should feel about your ministry or the board in this province. I want that understood.

**Hon. Mr. Snow:** I would hope that is not the way people feel about the ministry or the board.

**Mr. Makarchuk:** I hope so too, but obviously, in this particular case—

**Hon. Mr. Snow:** With all due respect, the board is a quasi-judicial body, and the people appointed to the board, the chairman and the members of the board, are appointed in a similar manner to the way a judge is appointed to the bench.

**Mr. Makarchuk:** That is right, and therefore, they should operate in that particular above-reproach manner so that the individual who is making the application would not feel threatened because he raises or he starts questioning some of the operations. That is basically my point and what I understand—

**Mr. Alexander:** You should feel that way and there may be some other explanation for it.

**Mr. Makarchuk:** All right, but as I understand it now, if the individual wishes an explanation as to why he has been turned down for either a permanent or an interim operating authority, if he writes to the board, he will get a response.

**Mr. Alexander:** In this case he will have a hearing, and it should be—

**Mr. Makarchuk:** He has had the hearing, he has been rejected, and he is—

**Mr. Alexander:** If he did it on the basis of an interim, he wouldn't have had a hearing. He has done it on the basis of an affidavit.

**Mr. Makarchuk:** I am not sure exactly what the legality is, but as far as I know, it was an interim certificate and his certificate was denied.

**Mr. Alexander:** Then he will have a full hearing. He will have the opportunity to bring witnesses.

**Mr. Makarchuk:** Would he not have an explanation of why an interim certificate would be denied?

**Mr. Alexander:** He would have an explanation to the effect that there was another carrier in position to provide the service. The interim is only issued on an urgency basis, because you don't do it with a hearing, you do it on the assumption that there is an urgency and no one else can provide the

service. The board has to make a judgement that those facts didn't obtain. He will have a full opportunity to present his case at a hearing, and that should be coming up in the next while.

**Mr. Makarchuk:** The way the individual feels, of course, is that he thinks he has demonstrated a need, or at least he has submitted affidavits from businesses that say he is the only individual who can provide a service. To continue this he would need an interim authority unt'l such time as he has the full hearing, and he feels because he has been turned down for the interim and can't get an explanation, he is under some cloud for a permanent authority.

**Mr. Alexander:** No, no, not at all.

**Mr. Makarchuk:** Okay fine.

**Mr. Philip:** The present chairman doesn't hold any grudges. Nothing to fear.

**Mr. Lane:** Mr. Chairman, if the minister would like to go to some length and explain that party he was talking about, I would defer my question.

**Hon. Mr. Snow:** I wasn't there, John, so I cannot give you any firsthand evidence.

**Mr. Lane:** He has told us all he is going to tell us.

**Hon. Mr. Snow:** It is all hearsay.

**Mr. Lane:** There are a couple of things I would like to get some information about, especially as to how certain things relate to northern Ontario.

How do you deal with a carrier who has a licence to provide a service to an area and only really supplies the service to the cream of the crop, so to speak, and leaves the unviable part of the area not serviced? What can you do if somebody else thinks he can probably make a buck with a one-truck operation or something, doing that service, and the other fellow who is supposed to be providing it steps in and opposes his application and the application is lost?

**Mr. Alexander:** Those sorts of facts should come out at a hearing and they should be clear. It should not take very long before it is clear at a hearing that the opposition is not providing a service. If the shippers are there, they can be put in the box and asked under oath whether or not the service is being provided by the carrier.

You can usually determine that within half an hour of the opening of the hearing. It is usually very clear. They have to produce bills of lading and if they don't have the bills of lading, you know they haven't been providing

a service. That usually works itself out at a hearing.

**Mr. Lane:** I am talking about a bus service, where there wouldn't be any bills of lading, and I know of a couple of situations in the north where a fellow spent all kinds of dollars opposing another applicant, but he wasn't in fact, supplying the service.

**Mr. Alexander:** He wasn't supplying the service, but was he actually asked to provide the service and did he refuse to provide it?

**Mr. Lane:** His indication to me was that it wasn't viable to provide the service. Somebody else was making an application to provide it and were refused a licence because the other chap—

**Mr. Alexander:** This really should have come out at the hearing.

**Mr. Lane:** I suspect what happened really was that the chap who was opposing it was able to hire high-priced help, and the chap who was making the application wasn't. That is basically what happened.

**Mr. Alexander:** That is too bad. If that is the case, I am sorry.

**Mr. Lane:** I think there are a fair number of those kinds of situations in the north and I would hope that—

9:50 p.m.

**Mr. Alexander:** Do you think it was an unequal battle because of the type of lawyer who was hired?

**Mr. Lane:** I think it certainly makes sense that a larger carrier can produce an expert lawyer, which most of the public could not possibly afford to do.

**Mr. Alexander:** As someone sitting on the board, I am amazed at how often, the high-priced lawyers and the low-priced lawyers notwithstanding, you can begin to see through the information that is being presented to you.

**Mr. Lane:** I am a little concerned that some parts of Ontario are not likely viable but by the same token when they made the application for the licence in the first place they knew, it is hoped, what they were making the application for and it just seems to me that people should not be denied service just because an operator cannot make a dollar at it and maybe somebody with a smaller operation could.

**Mr. Alexander:** If he is not providing service he should not have a licence.

**Mr. Lane:** Thank you very much for the answer. I feel it is a fair answer and I would hope the situation I am referring to would not happen again.

Another question I would like to ask is: How difficult is it to find out if a carrier is violating his licence or not? How difficult is it to investigate a carrier?

**Mr. Alexander:** This is a question that the enforcement people could answer better than I, but my experience is that once they get a hold of the company's records, they are able to make a determination fairly quickly. If that operator has been maintaining proper records showing consignors and consignees, it is fairly easy to compare the extent of his operation and the extent of his authority and come up with a conclusion.

The people in the ministry are doing that on a regular basis. They go to shippers and they go to carriers and they look at their records and make those sorts of comparisons, so I would think it is fairly easy. The problem is in deciding which ones to investigate and getting enough information to make a case.

**Mr. Lane:** There are a number of licensed carriers screaming foul against another licensed carrier in the north, and they have been for six or eight months, and nothing has happened on it.

**Mr. Alexander:** Has it been reported to the ministry?

**Mr. Lane:** Yes.

**Mr. Alexander:** I would imagine the ministry would be looking at it. There may be a problem of licence interpretation. That sort of thing always fouls up an investigation because an operator may claim he has authority to allow him to carry on that transportation service and those who are opposed to it feel he does not.

**Mr. Lane:** I just wondered how difficult it is to prove a situation one way or the other.

**Mr. Alexander:** I think normally, once you obtain the files and records of the company, it is fairly straightforward.

**Mr. Lane:** Another problem, and this is the last one, Mr. Charman, is there was a moratorium on the R licences, which didn't really involve my people too much at that time because there really was no great amount of action in the area. Since then, Elliot Lake has boomed and now Blind River is going to boom because of the Eldorado plant being located there and a lot of contractors can come in and bring trucks with them to do a job, which creates two problems.

One problem is housing, which is difficult because there is insufficient housing at Elliot Lake, and Blind River will have the same problem. The other problem is, of course, the

little chap who has been sitting along the north shore for years with nothing much to do, and now that he can make a buck he would like to get into the business. It hurts the area to bring in these other chaps from other parts of the province.

There happened to be an application which was turned down the other day from a fellow in Spanish, who was interested at this time in starting up a small sand and gravel operation. There is a building program going on within range of where he would be operating from, yet one of the reasons given for turning the application down was that he could hire the services he needed.

I think it is a little difficult to think that if I am going to start a sand and gravel operation on my own, I should have to hire someone with an R licence to move my gravel for me.

**Mr. Alexander:** One of the problems we have in putting our finger on it is whether we should be licensing the people who are the shippers, the aggregate producers, when there is already a group of R-licence carriers who are free as a group to supply the services to everyone. It has been a concern of ours that these people who have R licences, who are entitled, as for-hire carriers, to carry for anyone, should be competing against people who have in fact captive licences.

Generally speaking, not in all cases, the board has opted in favour of the independent licence holder as opposed to the company that has its own fleet if the two come into competition with one another, simply on the basis that the aggregate producer is going to prefer his own fleet over the people we have already licensed.

**Hon. Mr. Snow:** This is not always the case. I don't want to be argumentative on this but in the case that Mr. Lane mentioned of a man who owns a gravel pit and is delivering his own gravel, he does not need an R licence. If he is delivering his own material and selling it at the point of delivery, then he doesn't need an R licence.

**Mr. Lane:** He must be doing something for somebody else.

**Hon. Mr. Snow:** It is only when you are hauling other people's material that you need the licence.

**Mr. Lane:** He may be leasing a sand and gravel operation from somebody else. He was turned down on the basis that he could rent it and—

**Hon. Mr. Snow:** There are many small jobbers who operate as semi-dealers. They buy the load of gravel themselves. I know a



couple of them used to be around Oakville. You could get a load of gravel, a load of topsoil, a load of manure, almost anything you wanted. You would just phone them up and they would go and buy it, haul it and sell it and it's their product legitimately. Some use this guise to try to get by licensing, phoney bills of sale and so on. That's a different thing, but there are these types of people who buy all kinds of products like that and turn around and sell them and it is quite legitimate to do that without a licence.

**Mr. Lane:** My concern was that in that particular area, the north shore area of my riding and in part of the riding of the member for Algoma (Mr. Wildman), the requirement for R licences will be tenfold to what it was 10 years ago.

**Hon. Mr. Snow:** That will be picked up by the regional hearings. Now, if this happens overnight, the board will have to take some action. Normally, we have been holding a hearing when there is an unusual amount of construction going on in a particular area that creates a need for additional trucks. The board will pick up that need at its general hearing and then will grant sufficient licences to fill that need if the licences aren't available.

**Mr. Lane:** I appreciate that.

**Hon. Mr. Snow:** If you take something like the Blind River major construction project or a Hydro project or the case that I think, Mr. Alexander, we witnessed in the Windsor area last year with a lot of highway construction going on, where there were not enough class-R licensed trucks, so the board, after a general hearing, found out there was a shortage and granted sufficient additional R licences to meet the need in that area.

**Mr. Lane:** Maybe we can straighten this one out. Things are moving along fairly fast in that area but it seems unfortunate that people who have lived in a lean area for a long period of time have to be denied a licence to make a few bucks when the opportunity is right. It is not going to be a short-term thing. It is going to be five or 10 years of construction in that area. It will be an astounding difference to what the requirement was two or three years ago.

**Hon. Mr. Snow:** When the need is there, that applicant shouldn't have too much trouble getting a licence if he can prove the need.

**Mr. Cunningham:** I just want to ask one brief question, Mr. Chairman. I would like to ask the minister what he is going to do about the Canadian Pacific Express situation now in

view of its four convictions and the apparent lack of licence by its subsidiary?

10 p.m.

**Mr. Gilbert:** As the minister said the other day, the company has been taking certain actions to make itself legal. Actually there have been some convictions. Also, there are a number of charges before the court. Really what it is amounting to is that it will have to be determined if the actions that the company is taking have actually made them legal. From our point of view, as the minister said the other day, certainly we are not backing off from any actions that the company might be taking where it appears that it is acting contrary to the law. As far as the company is concerned, it has taken some actions and it will be up to the court to see whether they are legal or whether they are not legal and then the company will have to decide what it has to do if they are not.

**Mr. Cunningham:** How many more convictions are required before you remove the plates or something like that?

**Mr. Gilbert:** You are saying "remove the plates." I think really what it amounts to is that if you end up going to appeal courts and you find that they are definitely illegal and they are still acting, you have to consider those kinds of actions, but certainly we don't consider them lightly. I think you can appreciate that. Mark, do you want to make any further comments?

**Mr. Larratt-Smith:** The other point is that of course Smith Transport is involved in this situation so that if the illegal situation continued, you are dealing with a license carrier. Our understanding is they are restructuring the corporate relationship to bring themselves into compliance. The situation would involve leasing previously, and that obviously, as the deputy minister say will be a matter to be determined finally by the court.

**Mr. Philip:** Let me ask a supplementary. I am interested in searching for the way in which it is going. Far be it from me to think of an illegal way of doing things, but if I go to buy a company that has an operating licence, I have to appear before the board and justify that, but if I happen to be big enough that I can somehow work in financial cross-directorships or equity situation with a multitude of lawyers, I may find a way in which I can get that same operating authority without buying the company and going before the board. Is that where we are headed?

**Mr. Gilbert:** I think you can appreciate, Mr. Philip, going back to what the minister said the other day, that Canadian Pacific Express certainly is not a company that came into being yesterday. They held a PCV licence from 1936 until 1976. As I say, you are not talking about a new company here at all and I think we all appreciate that fact. They are a company that had been doing business for a long time. The fact is they are taking action to change their structural relationship and do what they have to do to make themselves legal or whatever other action they have to take, recognizing as I say that we have convictions against them. Certainly, they are not acting irresponsibly, as you say, for a company that might just come into being and try to get around the law. I don't think there is any intention of that at all.

**Mr. Philip:** I wasn't suggesting they are acting irresponsibly. I think they are acting quite responsibly. If I were in their shoes and could find a way of doing something legally that I was doing illegally, which would end up making more profit for my company, it would be my responsibility to my company to do it that way. I am just concerned—hypothetically—that they may be finding a way around our rules or our law, which is that if you buy a company or if you want to take over a company, you have to go before the board and have this kind of scrutiny.

**Hon. Mr. Snow:** I think that for any company that CP were to take over, or any licences that they were to transfer, they would have to appear before the board the same as anyone else.

**Mr. Philip:** Unless this route they are taking to make this illegal operation legal uncovers the loophole that may provide that avenue. I am just saying if that is found, then I hope you people find a way of plugging it.

**Mr. Alexander:** Except it would be a 100 per cent CP-owned company, since the licensing. I would imagine the solution lies within their own corporations and movements between companies they already own rather than acquiring an outside company. I would be very difficult, in my judgement, to find an outside company with the complexity of the licensing that they possess at the present time.

**Mr. J. Johnson:** Mr. Chairman, I wonder what the ministry's position would be on the possibility of getting a commuter service,

or a bus line, for instance, on Highway 10, north and south?

**Mr. Alexander:** To Toronto?

**Mr. J. Johnson:** From Toronto north to Owen Sound, and even with east and west connections. At the present time we are served with a type of service, but certainly not a commuter service. I am not even thinking of today, but certainly in the very near future.

**Mr. Alexander:** I don't mean to be evasive in answering your question this way, but if an operator can present a case and can show that sort of operation would be viable, it is open to make an application. If they are going to take business away from another operator, they will probably be opposed. There will always be the concern that if they do get into the Toronto market they will get charter rights out of Toronto and it might become somewhat confusing.

But we wouldn't have a position in advance. We would have a position once the application was presented to us. We would have to determine, given the competitive situation, and if there was opposition, and given the viability of the run, whether a licence could be justified.

Fairly recently, there have been licences into Toronto granted that came down Highway 26 and 27 rather than Highway 10, so it is certainly always a possibility. It is open to the market to present that sort of opportunity to the board in terms of an application.

**Mr. J. Johnson:** What are the criteria when you mention "competitive"?

**Mr. Alexander:** What I meant to say was an application of that sort will be opposed, naturally, by people who feel that operation might take away some of their riders. I am not sure that it will, but some of them might feel that it will.

The operator would pretty well know who would oppose it. If it was the sort of operation that was clean, that wasn't going to take ridership away from anyone else, then he might feel he could be unopposed, and he would have a fairly easy time of it.

**Mr. J. Johnson:** Maybe I could follow up on that since I think this is the basis of the question: It might compete with somebody else, but it might provide a better service.

**Mr. Alexander:** Then the board is in the position of having to make one of those solemn judgements.

**Mr. J. Johnson:** Will you make an assessment based not on the competition to the

person having the licence, but the betterment of the community as a whole?

**Mr. Alexander:** I think we have to make it in the public interest, as we see it in the application. It is tough, but we try to do it every day.

**Mr. Chairman:** Are there any more questions? If not, thank you Mr. Alexander.

I believe, Mr. Young, you wanted to speak on safety features.

**Mr. Young:** Yes, Mr. Chairman. First of all, I understand that certain tributes have been paid to Bob Humphries because of his work here, and I just want to add my own appreciation of his work on my own behalf and on behalf of the members of the select committee on highway safety, because we found him an unassuming man, very able, knowledgeable and extremely effective. I just want to put on the record that we did appreciate him and regret he is leaving us—

10:10 p.m.

**Mr. Gilbert:** So do we.

**Mr. Young:** —but we wish him the very best. We also wish Mr. Larratt-Smith as good a service to the province as we have known with Mr. Humphries. If he can improve it, God bless him.

In the time we have left tonight, perhaps I can overlook the hour-long speech I was going to make and boil this thing down and ask some questions of the minister, as I have in the past. Since the report of the select committee on highway safety was tabled in November 1977, I have tried each year to ask about progress. We appreciate very much the progress that has been made in the carrying out of many of the recommendations. We are a bit concerned about others. Perhaps I could simply quote from last year and have the minister give us some answers as to the progress that has been made. That might be the quickest way to do it.

**Hon. Mr. Snow:** I haven't brought Hansard with me or I could give you the same answers I gave you last year.

**Mr. Young:** We hope they aren't going to be the same answers. From what the minister said, I would expect that months ago things have been finished and I may not be knowledgeable of what has actually happened. Last year, for example, we were discussing the matter of the probationary driver's licence system. At that time Mr. Humphries said the matter was getting final approval and that programming will be done to change the computer files to accommodate the change from the date of conviction and the date of offence for charges.

Then the minister said: "That is one of the three programs we were working on last year in legislation; the pictures on the drivers' licences, the probationary drivers' licences and the reflectorized licence plates. Those were all approved, legislative-wise and policy-wise. We are proceeding with the probationary driver's licence. The regulations have been drafted and have been approved by management board and the regulations committee. I hope to have it in place in the near future."

That was on April 18, 1979. Perhaps the minister would care to comment on the progress that has been made. From what he said then, I would expect very great progress.

**Hon. Mr. Snow:** Progress has been made certainly on the probationary driver's licence system. We have had a number of drafts of the regulations. Until the regulations were really in final form, the final computer work could not be done because the regulations govern the programming of the computer. Basically, I have a draft statement ready to be made in the Legislature. I am waiting for about one line and a couple of dates to be finalized. I will be making that statement, I would hope, in the next week or two, announcing the exact date and the regulations for the probationary driver's licence system.

**Mr. Young:** Can the minister give us details about any of those regulations now?

**Hon. Mr. Snow:** That will be in the statement. I still have some final details to iron out.

**Mr. Young:** Then that is a question I won't have to ask next year.

**Hon. Mr. Snow:** As I say, there is a draft statement prepared for me to make in the House. I thought I might have been able to make it by now. We have just been finalizing things and making sure from my staff of an exact date when we can say the computer work is going to be ready to implement the program. I will guarantee you won't have to answer that question next year.

As to the reflectorized licence plates, we have implemented that to a degree in that the new permanent plates we have issued for all trailers have reflectorized plates. We had those plates manufactured outside because the Correctional Services facilities at Millbrook are not yet set up to do reflectorized plates.

When we made the decision to go to the permanent trailer plates, I did not want to issue some of the plates that were not reflectorized, so we purchased outside manufactured products. Those are issued now, be-



cause trailer reflectors are perhaps more important than on any other vehicle. There is more of a tendency for a trailer to get a loose wire and the tail lights to go out on a trailer than there is on an automobile, so we did put reflectorized plates there. I hope to be able to expand that to all vehicles. Again, it is a budget problem and we just have not been able to get sufficient funds to initiate new programs as we would like to do.

I'm very disappointed that we have not been able to do anything yet about the picture on the driver's licence. Of those three programs that we are mentioning and discussing last year, the one for the picture on the driver's licence is the most expensive.

Within the confines of the budgetary allocation, especially for the safety and regulating programs and the continued increase in the number of drivers and the number of vehicles that we have to handle, and with the work that we're doing on the new plate-to-owner system, which is costing a lot of money on new programming and computer work, at the same time we're going to implement the staggered renewal of motor vehicle plates.

We're going to take all the automotive plates, plus all the commercial plates for vehicles under 2,400 kilograms—we have deduced, basically, that figure; that's probably four or four and a half million vehicles—and divide them up into 12 groups and issue monthly. So a lot of work is being done on that. This all takes computer work and planning, and costs money.

I certainly haven't lost any enthusiasm whatsoever for the picture on the driver's licence, but I think we have to set our priorities. The probationary licence will be the first thing, we hope reflectorized plates will be the second, and, if the Treasurer (Mr. F. S. Miller) gets a little more generous in these days, we'll get the pictures on the driver's licence.

**Mr. Young:** Last year you said, "I may not be so hopeful. I'm still going back to the Treasurer and the management board." You were very optimistic then and your optimism still is there, I understand.

**Hon. Mr. Snow:** It is still there, but I just could not take funds out of one of our existing programs and weaken it to implement something that is new.

**Mr. Young:** In my opinion, the work that you're doing here in this whole field of safety is more important than perhaps grants to E.B. Eddy and Company. That's the battle you ought to be fighting in the Treasury Board, I don't know.

You said you might go to another period of time, such as five or six years, for pictures. Has that been discussed?

**Hon. Mr. Snow:** No, we haven't been actively pursuing or spending a lot of time on the picture business because, until we're ready to implement it, there's no use finalizing—

**Mr. Young:** Let me ask you about a couple of other things then. "In driver education, we're proceeding with developing a policy position of final recommendation in the driver education matter. If I can get all the things tied together, my plans at this moment are to introduce a bill, a driver education act, providing for all the things we have in there. I hope to introduce that before the end of the spring session, perhaps in the middle of June." That would be last June.

**Hon. Mr. Snow:** Yes, I did.

**Mr. Young:** And what progress?

**Hon. Mr. Snow:** We introduced the bill, which we only intended to do for first reading, last June. I can't tell you the date but I'm sure it was definitely in June.

**Mr. Young:** Towards the end of the session anyway.

**Hon. Mr. Snow:** Towards the end of the spring part of the session. We got a considerable amount of feedback from the draft bill. With the programming of the fall session, we just weren't able to get to it. There was a lot of other legislation with higher priority as far as the government was concerned. With some of the feedback we got, we just didn't want to take more time to look at the situation.

10:20 p.m.

**Mr. Young:** So that's in the mill?

**Hon. Mr. Snow:** It's still in the mill. I don't expect to introduce the bill again this spring. Perhaps by fall we may have something ready.

**Mr. Philip:** Are you suggesting you are going to draft a new bill in the light of the feedback you got or that it would be substantially the same bill?

**Hon. Mr. Snow:** I think there will certainly be amendments to it. I wouldn't say that it will be a new bill; it will be along the same philosophy. But I think from the feedback that we got, we will want to make some changes. Mark, do you have any comments? You have been the one who has been very close to that.

**Mr. Larratt-Smith:** The only question here, Mr. Young, is that some of the feedback

indicated that until we were able really to specify a curriculum and require that curriculum to be taught to all drivers, the bill is going to be very incomplete and is perhaps not worth proceeding with. We are not in a position to do that, as I am sure you are aware. That's an issue that has been of great interest to a great many jurisdictions in North America and of very considerable debate. There is a great deal of research going on throughout—

**Mr. Young:** The minister is going to send me down to Georgia to find out what their—

**Mr. Larratt-Smith:** The De Kalb county experiment. But that was one of the criticisms specifically.

**Hon. Mr. Snow:** You would like that trip about next January, would you?

**Mr. Young:** Yes, I suppose.

**Hon. Mr. Snow:** Fine, I wouldn't want to send you down to Georgia in August.

**Mr. Philip:** There is very little scuba diving in Georgia in January. Better pick a different time for this member.

**Hon. Mr. Snow:** It sounds very simple to bring up a bill and have programs for driver education, but Ontario is a very changing situation from area to area. What might work very well here in Metro Toronto might not work elsewhere. Take southern Ontario where driving schools exist. We had requirements in the bill for classrooms and for office space. There are a lot of one-man operators who operate out of their homes. They say, "How am I going to operate? You say we have to have a permanent address a permanent office, we have to have records—that puts me out of business." Yet those people are very important in the whole driver education system.

A lot of points like that came up that we have to look at—differences between what is needed for driver education in Hornepayne compared to what is needed in Metro Toronto. It is hard to wrap it all together in one bill.

**Mr. Young:** A number of our committee felt the crucial thing was the testing that's done at the provincial level. Those tests must be pretty tough and pretty comprehensive.

**Hon. Mr. Snow:** They are universal across the province.

**Mr. Young:** But they must be toughened up a bit. Even in those areas, in Hornepayne or wherever, you must have qualified instructors. They may be the driving school owners but without all the fanciness that you were just speaking about. If you have those things, we have got the fundamentals, of course.

**Hon. Mr. Snow:** It wasn't our intention in the bill, certainly at this time, to make driver education or professional driving courses compulsory. It is still the option of the parents, the uncle, the aunt, the brother or the sister to teach the student, young person—or the older persons as far as that is concerned—to drive a car.

**Mr. Young:** The content of the course is pretty important too and that is what the Georgia people are trying to find out. What about community colleges? Has any progress been made there in bringing them into the teaching—

**Hon. Mr. Snow:** That was all part of the overall plan. Implementing the driver education program would involve the community colleges setting up courses for the instructors. But until we go ahead with the bill, that will not take place.

**Mr. Young:** What about seatbelt use? Have we any further knowledge on that? I don't suppose any recent surveys have been made?

**Hon. Mr. Snow:** I'm not aware of—

**Mr. Young:** It's dropping off quite a lot.

**Hon. Mr. Snow:** I don't think it is. I mean we haven't spent a lot of money on any recent surveys or anything, but certainly my observation is that there is no drop-off; in fact we might even be getting improvement.

**Mr. Gilbert:** Certainly everything we have right now other than an actual survey has indicated that it is holding very well. But of course the importance of that comes with smaller cars, particularly along with big cars on the highway. For people who are driving smaller cars, in my opinion, the air bags or passive restraints come into effect. They are perhaps the only thing that is there waiting for an accident to occur and that gives protection to everyone. But we are not going to get those right now, I guess.

**Hon. Mr. Snow:** We are working with the federal government right now. I don't think they have made a decision yet, but they are getting close to some decision on the passive seatbelt situation, in relation to the so-called automatic seatbelt and whether it should be compulsory or whether there should be an option to the buyer of the car between the automatic seatbelt and the type we have today.

**Mr. Young:** That's the holdup, of course in the United States. They haven't yet solved the technicality of the legislation down there. The auto companies, having small lawyers, were able to do a job last spring which has held it up a bit. But it seems me that's a place where we can't afford, I

wise, to be too negligent. We ought to be pushing that wherever we can push it. I hope the members on the national committee are really doing their best to see that added protection is given, because a lot of people are not wearing seatbelts. Certainly the air bags or even the passive restraints they develop are going to save a lot of lives in Ontario, if we have them. We are paying the price of neglect in human life.

There is another question I would like to know about. A committee was looking into the Hurst cutting tool of the rescue units. Has anything come of that?

**Hon. Mr. Snow:** The interministerial committee report is complete, yes. The Solicitor General (Mr. McMurtry) issued a press release in February indicating his ministry's attention regarding that whole matter.

**Mr. Young:** Yes, but intention and action are two different things. We have to look to him for action on it.

**Hon. Mr. Snow:** Yes, any further action as far as the training and funding of these could come under the Solicitor General.

**Mr. Young:** I have quite a lot of things, Mr. Chairman, but perhaps that will have to suffice for this year. Another year maybe we will come back on this and have the whole thing adopted, completed, finished. Who knows?

**Mr. Gilbert:** It is an ongoing thing, Mr. Young.

**Hon. Mr. Snow:** We will always be dealing with traffic safety matters, on which I spend a great deal of my time and so do ministry officials. We think we are making headway. All of a sudden we get some new statistics and we lose a little bit of heart. Then we try harder again.

**Mr. Young:** Mr. Chairman, you were going to have some report on steerable trailers. I haven't seen it. Is it ready yet?

**Hon. Mr. Snow:** Oh, yes.

**Mr. Young:** The jack-knifing? I missed that.

**Hon. Mr. Snow:** I am not so sure it was the jack-knifing, but we did some testing at the research facility at Huron.

**Mr. Young:** I know the testing was done but I haven't seen the report.

**Hon. Mr. Snow:** The report was issued, yes. We can get you a copy of that report.

**Mr. Young:** I missed that. Was it a hopeful report?

**Hon. Mr. Snow:** It wasn't as favourable a report as the manufacturer of the trailer hoped it would be.

**Mr. Young:** We haven't solved the problem of the jack-knifing yet?

**Hon. Mr. Snow:** I am not so sure we will ever totally solve that one.

**Mr. Philip:** Supplementary on that: Have you had an opportunity to make any decision on the request I made in my opening statement for a one-person inquiry into safety in the trucking industry which I gather you said you would at least take into consideration?

10:30 p.m.

**Hon. Mr. Snow:** I said I would do that, but no decision has been made.

**Hon. Mr. Snow:** Mr. Chairman, I think we had arranged for Mr. McNab and the Toronto Area Transit Operating Authority to be here tomorrow morning. Can we deal with them first and then go back to the safety thing?

**Mr. Chairman:** No, I think we will finish this. It won't take long as there are only one or two more questions.

**Mr. Philip:** I think there are to be more questions on safety. Then our agreement was to go on to provincial roads.

**Mr. Chairman:** That is right. That is what we are asking for, as apparently there is more discussion on this.

**Mr. Philip:** I would imagine we should be on to provincial roads in about an hour after that.

**Mr. Chairman:** I would think so.

**Hon. Mr. Snow:** What about TATOA? Do you want them tomorrow?

**Mr. Philip:** I don't think we will get around to it.

**Mr. Cunningham:** I don't have that many questions. I have read their newsletter which they very kindly sent to my home.

**Mr. Chairman:** Would half an hour clean up this?

**Mr. Philip:** I would imagine there are a number of people who have questions on provincial roads. I need about five minutes maybe on safety.

**Mr. Cunningham:** I will deal with my questions later.

**Mr. Gilbert:** You don't want TATOA tomorrow.

**Mr. Philip:** I don't see any point in bringing them in if there is a possibility they are not going to get on.

**Mr. Gilbert:** The minister knows everything that is going on in TATOA anyway.

**Hon. Mr. Snow:** Then we will cancel TATOA for tomorrow morning.

The committee adjourned at 10:32 p.m.



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Ontario

No. R-14

# Legislature of Ontario Debates

## Official Report (Hansard)

**Standing Committee on Resources Development**  
Estimates, Ministry of Transportation and Communications



**Fourth Session, 31st Parliament**  
Wednesday, May 14, 1980

Speaker: Honourable John E. Stokes  
Clerk: Roderick Lewis, QC

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# LEGISLATURE OF ONTARIO

## STANDING COMMITTEE ON RESOURCES DEVELOPMENT

WEDNESDAY, MAY 14, 1980

The committee met at 10:10 a.m. in committee room No. 1.

### ESTIMATES, MINISTRY OF TRANSPORTATION AND COMMUNICATIONS

(continued)

On vote 2603, safety and regulation program:

**Mr. Chairman:** The meeting will come to order. All parties are represented. Last evening, Mr. Miller indicated he would be the first, and then Mr. Cunningham and I believe Mr. Philip. Mr. Miller, you may start.

**Mr. G. I. Miller:** Thank you, Mr. Chairman. I have a couple of things I would like to discuss with the minister. The first is in regard to the safety checking of farm vehicles.

There are several farmers in my riding who feel they are being hassled over the regulations which do not pertain to them and their operation. I was wondering if the minister might explain the regulations for safety stickers for farm vehicles.

**Hon. Mr. Snow:** What type of farm vehicles are you referring to?

**Mr. G. I. Miller:** Small farm trucks with a hoist on.

**Hon. Mr. Snow:** There are no safety stickers required for farm vehicles unless those vehicles are being used to haul aggregate. If they are being used to haul aggregate, they come under the same definition as any other vehicle in the dump truck class being used to haul aggregate, and they would be required to have a sticker.

**Mr. G. I. Miller:** Even for their own use?

**Hon. Mr. Snow:** It's a very hard thing to have regulations that cover every situation. You could have rules that vary between occupations. A contractor having a dump truck to haul aggregate for his own use, a householder, or a small contractor who is hauling aggregate of any kind are required to have a safety sticker.

**Mr. G. I. Miller:** Does that mean it has to have a safety inspection twice a year, the

same as a dump truck? This seems to be the hassle. They're only driving 3,000 or 4,000 miles a year and they've been stopped because of the hoist on their truck—and many farm trucks do have hoists.

**Hon. Mr. Snow:** The fact that a farm truck has a hoist has nothing to do with the regulation. The fact that a farm truck or any other truck has a hoist on it does not put it in any specific class. It is the use of the vehicle in hauling aggregate. If a farmer is hauling aggregate for his own use, the timing on the stickers—you can get by up to about nine months with one safety inspection. Is that not right, Mark?

**Mr. Larratt-Smith:** Yes, that's right.

**Hon. Mr. Snow:** I would doubt if many farmers are hauling aggregate during those other three months of the year.

Basically, if one wants to be actively hauling aggregate 12 months of the year you need two stickers a year. I think they are able to get the sticker around April 1, and it is effective for six months, beginning June 1—something in that neighbourhood. In other words, they can get the sticker a couple of months ahead of time; they don't have to get it right on the day.

This regulation was set up to allow truckers to get their inspections done during March and April, during the half-load season when many of them are not hauling, in any case.

**Mr. G. I. Miller:** That could do them for the full year, so they only have to have one inspection?

**Hon. Mr. Snow:** If they have their inspection done and get their sticker during March or April then that sticker becomes effective when—

**Mr. Larratt-Smith:** It's from April 1 through to December, I believe, and from October 31 or November 1 through to April.

**Hon. Mr. Snow:** There's an overlap period so that they can get the sticker ahead of time. Everybody doesn't have to be rushing to the garage to get them done at the same time.

As far as a farm vehicle is concerned, if they want to haul aggregate during the summer they can get the sticker in March. I doubt if they would be hauling during March and April anyway. Because of the halfload season, it makes it very uneconomical to haul aggregate during that period. The sticker would really last the whole summer and they wouldn't have to get another one until the following March, unless they were going to haul aggregate during January and February.

**Mr. G. I. Miller:** What about farm trucks? Do they come under the same regulation? Do they have to be safety checked once a year?

**Hon. Mr. Snow:** No. Unless they are hauling aggregate, it's the same as for any other truck. They don't have to be safety checked at all, unless it's a routine spot check. Any vehicle—it doesn't matter whose it is—if it crosses the scales it can be stopped by our inspectors at any time to be checked for safety. But as far as having a specific inspection and a sticker, a farm truck is not required to have that unless it is hauling aggregate. For most farm operations, as I know them, one inspection would get them through the whole season.

**Mr. Gilbert:** It could be that some of the complaints you are getting are coming from actual spot checks.

**Mr. G. I. Miller:** I think this is where it began, Mr. Gilbert. This trucker was stopped twice within a short period of time. He just feels he was being hassled. As a matter of fact, we have been in touch with people in your ministry and we hope to get the problem resolved.

I just wanted to have clarified how the safety check works and whether one check would do for a year. It had come to my attention that maybe it is necessary to have two checks in one year. That would seem to be a little expensive, because safety checks don't come cheaply. They cost the operator considerably.

**Hon. Mr. Snow:** They are a cost of operation; there's no doubt about that. We recognize that. But I think the aspect of having safe vehicles on the highway certainly outweighs that. I can't accept the excuse of the cost as a reason for having an unsafe vehicle on the highway.

**Mr. G. I. Miller:** I can't accept that either, but I think one safety check a year should be adequate.

**Hon. Mr. Snow:** Our regulations are that all school buses and all regular highway buses

and all dump trucks hauling aggregate must have two safety checks per year.

**Mr. G. I. Miller:** It's still a pretty heavy expenditure.

**Hon. Mr. Snow:** That is if they are hauling aggregate all year. But many of the dump truck people, because they are not operating all year, buy quarterly plates. They buy plates for nine months of the year because they lay the truck up during the winter. They may lay the truck up during December, January and February, or January, February and March. In the spring they have their inspection done and they're all ready to go to work. The sticker they get in March runs through until December.

**Mr. G. I. Miller:** The complaint I had was concerning a farm truck which was putting on only 3,000 to 4,000 miles a year. If they draw the occasional load of stone or aggregate material to patch up a hole—and they're not doing it on a daily basis, just occasionally—you can understand the reasoning behind this person feeling upset for being stopped twice with a short period of time.

**Hon. Mr. Snow:** Our inspectors are not out to hassle people or make life difficult for anybody. On the other hand, I don't know the vehicle you're talking about.

I think any of us driving along the road or watching vehicles, especially our professional inspectors, tend to be able to spot a vehicle that may look suspicious as far as safety is concerned. The inspectors check any vehicle they think may look like a candidate for being unsafe. That may be a reason for more safety inspections on one vehicle than on others—if it looks unsafe.

**Mr. G. I. Miller:** The second thing would like to discuss with the minister is the rescue tool, the Jaws of Life, which is being used. I think the Hagersville fire department was able to purchase one to provide a service for the community. It is a fairly expensive piece of safety equipment. I wonder if the minister has given any thought to assisting or encouraging the purchase of this type of tool for the fire departments to provide a rescue tool for people in accidents.

10:20 a.m.

**Hon. Mr. Snow:** As I have stated before and we have discussed this two or three times during the estimates so far this year we set up an interministerial committee involving the Ministries of Health, the Solicitor General and the Attorney General and our own ministry to study and consider the so-called crash rescue vehicles.

Although the chairman of the committee is a member of my staff, the lead ministry is the Solicitor-General. A report was completed last year. The Solicitor General issued a press release re the crash rescue on February 21, 1980, outlining the action the ministry intended to take. We can get you a copy of that press release if you don't have one.

Basically, it involves through the Ministry of the Solicitor General and the Ontario Fire College setting up some programs to assist in training people in the use of this equipment. I know some fire departments have parts of the equipment and some have had special fund-raising events to purchase this type of equipment.

I had an unfortunate experience last Friday evening about 6:45 while driving to my home from my riding office. Coming up Trafalgar Road I came across a very serious accident where a small van had apparently gone right across the median and hit a car head on. The car spun around and the car behind it also hit it head on. There was one instant fatality on the site. I found out afterwards that the van driver, who was taken to hospital by ambulance, died later.

One lady was quite seriously injured. The couple who were in the second vehicle told me they were wearing their seat belts. Two couples were from Burlington and the van driver who was killed was from the member's area, Cayuga. The body of the man who was killed instantly was jammed in the vehicle. I was there minutes after the accident happened and they used my car phone to call the police and ambulances and so on. They got the Milton fire department to come down to the site. I was not there when they arrived, because everything was looked after and the injured people were taken to the hospital.

I went on home, but on my way up the road I met the two fire trucks from Milton coming down. They have this equipment. In that case, it was the local Lions Club that raised something in the neighbourhood of \$10,000 to buy this special equipment for the Milton fire department which supplies at service in our area.

The Solicitor General is setting up a program offering training courses for members of either permanent or volunteer fire departments to be experienced in this equipment. I don't believe he has set up any funding program yet for this specific purchase.

**Mr. Cunningham:** This is a subject I am very interested in. If there isn't a service club like the Lions Club or the Optimists Club or the Rotary Club in a community,

does that mean people driving through that community may be in the unfortunate situation where they may not receive such a service? What about the situation where we don't have a built-up community, where so many of our highways go on for miles and miles where there is no community, never mind a local Lions Club, to buy the Jaws of Life or to set up some kind of program? What do we do then?

You have had a personal experience, Mr. Minister, not far from your home. The day after I was requested to leave the Legislature because I was a little upset at the tabling of the report, there were two accidents; one a mile from my home and one about three miles from my home. On both occasions, people had to be removed—pried, I think is the word the Hamilton Spectator used—from their vehicles.

Fortunately we do have at least one item of equipment, specifically, the Jaws of Life, but there again, that is because the good people in the village of Waterdown held dances and cookie sales and whatever to raise the money for this equipment. Not every community has it. I don't think, in Ontario, we should have to rely on the benevolence of all sorts of small communities across the province which already may be feeling the pinch in so many other areas. This is an area where I think at least a very significant cost sharing program should be established as soon as possible.

**Hon. Mr. Snow:** I won't argue with you on that point. I know in our area service clubs and so on have come to me many times and asked for recommendations as to what they might do to properly and most productively spend some of the money they raise.

I am not saying it should be a responsibility of a service club. Service clubs do many things. Our service club, the Lions Club in Oakville which I belong to, over the years has supported and bought the rescue boat that the Trafalgar Road water-air rescue force uses as a safety boat on Lake Ontario. They bought that 25 years ago and have kept it up ever since. They have just participated with the town of Oakville in buying a major new one with all kinds of equipment on it.

That is a role the service clubs can play, but they make up their own minds in their own communities as to what their priorities are, whether it is building a swimming pool or a park or whatever.

My ministry does not have any program for subsidizing these items. I am not saying there should not be some type of govern-



ment funding, but it has been designated by the government as the responsibility of the Solicitor General (Mr. McMurtry), because police departments and fire departments come under his legislation—the fire marshal's office, the Ontario Police Commission—and I don't think this special service should be taken out of that whole role and put into my ministry, for instance. It has been the decision of the government it should come under the Solicitor General, so I think you should discuss any funding program for the purchase of that equipment with the Solicitor General in his estimates.

**Mr. G. I. Miller:** Mr. Chairman, I would like to point out to the minister that the Hagersville fire department had its fund-raising. I think the general cost is about \$10,000 and the community did support it after about one year of collecting. As a matter of fact, I supported it myself, because I felt, after seeing it work, and the safety it would provide, there was no problem for me to give support.

I also think the Hamilton Automobile Club gave a donation to that particular fire department, and they were able to get the Jaws of Life and utilize it and pay for it within about a year. I just want to support my colleague from Wentworth North in indicating that maybe the ministry should play a role in making sure there are more of these around the province. I don't think every department should have one, but they should be strategically located so there is that service available. Maybe the minister can, through the Solicitor General, give some support in coming up with a plan that these can be more widely made available to the general public for their own safety and rescue operations.

**Hon. Mr. Snow:** I am in full support of the program. Unfortunately, I don't think it is possible to have one of these pieces of equipment on every concession road where accidents may happen as we travel through Ontario. I think it is something that should be promoted and encouraged.

10:30 a.m.

The Solicitor General and even perhaps in northern Ontario, the Minister of Northern Affairs (Mr. Bernier), have been involved in helping more remote communities get fire-fighting equipment. I think there is a package of equipment. The figure I hear for a number of pieces of equipment is usually about \$10,000 or close to it. That is the cost to buy the necessary equipment to equip a fire department or a special rescue crew. That

does not, of course, include trucks and everything else if you start duplicating.

Practically every fire department has specially equipped trucks for other types of emergencies which can be used for this same purpose. What they need is some special equipment and some special training in the use of this equipment in getting injured parties or bodies out of badly mangled vehicles. I think the Solicitor General is following the right path. I certainly feel that if he can handle it, some financial assistance to communities which need it should be a priority.

**Mr. G. I. Miller:** There is just one further comment I would like to make, Mr. Chairman. As an example, Hagersville, in my riding of Haldimand-Norfolk, has the only one. The fire departments are co-ordinated by a co-ordinator. They do share their equipment so I think three or four in an area of that size would be adequate to provide the service. I would hope you would encourage that.

**Hon. Mr. Snow:** In our particular area the Halton region, we have five fire departments. To my knowledge, the only one that has this equipment is the Milton fire department, which happens to be located very centrally in the whole region. Through the co-ordinator and through the regional police force they know where that equipment is. I know they were able to get to it quite quickly, although the accident scene was probably 10 or more miles from the firehall. They were there in pretty good time to assist.

**Mr. G. I. Miller:** In my riding, there are six municipalities and there are probably 2 fire departments spread over a wide area. That is what I am trying to point out. I think maybe one in each four or six municipalities would be adequate. I appreciate your support of the principle anyway, Mr. Minister, and, hopefully, you can give some financial assistance to encourage the supplying of this much-needed facility.

**Mr. Cunningham:** I have a few matters I would like to raise. The first thing I would like to discuss is that you have been contacted by the Ontario Motor League with regard to the provision of some statistics on truck accident details. Have you been able to reply to them yet, or develop the statistics they were seeking? I think their general concern related to the size of truck and extent of damage done. It would take some work, I think.

**Hon. Mr. Snow:** I know we have had requests from some of the motor league branches, such as the Hamilton Automot

Club, for statistics as to the vehicle registrations and that type of thing which we have not been able to provide, because our computer is not set up to turn out statistics on the number of Chevs versus Fords versus Volkswagens that are registered in Hamilton versus Waterdown versus Burlington for instance. We have not been able to supply that information. Every year we do publish a detailed book on motor vehicle accidents. I don't know what additional information I can give.

**Mr. Cunningham:** I could simplify this for you. I think those reports that you put out summarize a truck very briefly as a truck. There are many kinds of trucks. Currently, we have a preponderance of vans on the road, and I would think the accident history and experience with vans right now is probably very serious. I would think the insurance people are reluctant to write a lot of van coverage for young guys who are involved in the purchase of a van.

You summarize it very briefly in your report as a truck accident. My concern with the trend to bigger trucks and smaller cars is that we are getting into more serious accidents when these two meet. I know it is going to be difficult, but I think it would be a valuable study. I think that is what the Ontario Motor League, through its vice-president, Mr. Gaskin, was requesting.

**Hon. Mr. Snow:** I don't recall that, nor does my staff recall that particular request. To my knowledge, the ministry investigates any accident involving tandem units, in other words, double trailers. That is one thing we have been watching very closely to see if there is any trend to a double trailer unit being more prone to accidents than other trucks. Over the years since they became part of the scene on our highways, we have been watching that very closely. Beyond that, I do not know the breakdown of statistics that we have.

Correct me if I am wrong, but at the recent Roads and Transportation Association of Canada and Canadian Conference of Motor Transport Administrators meeting last January in Victoria—and I have written to the federal Minister of Transport since that time. We found that apparently Statistics Canada, as I recall, has got out of the accident statistics business more or less as far as keeping the across-Canada statistics on different types of automotive accidents.

The ministers, deputy ministers and board of directors RTAC and CCMTA involved feel that these statistics were very important factors. As president of RTAC, I wrote to Mr. Mankowski, and I believe I have since fol-

lowed up with Mr. Pepin, urging him to try to encourage the minister responsible for Statistics Canada to reintroduce this program and try to make funding available either through Statistics Canada or Transport Canada for the reinstitution of these statistics on a national basis.

Through Transport Canada, RTAC and all the provinces, we have a lot of co-operative statistical information and co-operative research going on, so any research or statistics that any province does is available to all other provinces for their use.

**Mr. Cunningham:** I think it would be an excellent project for a university student to pull the file on truck-related fatalities and attempt to, first of all, assess where the fault was, if there was any, and the number of people who died and the extent of the injuries, but also to take a look at the size of the vehicle to see if there is any correlation between the size of the vehicle and the injuries and/or deaths that have occurred.

I don't want to prejudge the application or the request by the trucking industry to save money by extending the length of vehicles. It is a legitimate request. It certainly is a very complicated matter, one I know you have been giving a great deal of study to, but before any of us is required to say yes or no, or to encourage it or reject it, it would be helpful if we had statistics and an understanding of just how big these vehicles are and just what the incidence of difficulty has been.

10:40 a.m.

I recall about a month ago. I was traveling on the Queen Elizabeth Way on a particularly rainy day. As usual I was in the passing lane and there was not a double, but about a 45-foot van ahead. With the combination of the rain and a wet road I could not see beyond the start of the trailer. I literally could not see the cab of the vehicle. At that point I was right at the end of the truck.

The point I am making is if it is that difficult in those weather conditions to see the end of a 45-foot van, then what are we into with a vehicle that approaches 100 feet in length? I would like to have the statistics.

**Hon. Mr. Snow:** We won't have any statistics on anything over 68 feet because we don't have those kinds of vehicles. We have been asked by the trucking association and by the automobile carriers to consider a test program on them. I am not convinced at this time that we should even proceed with the test. I am very concerned about extending the length beyond what we have.

When we changed the act and metricated the measurements we had substantial requests from the trucking industry to go to 70 feet at that time. We went to 68 feet, 10¾ inches or whatever it is, which is 21 metres. We understand that has basically solved the problem in most of the trucking industry for the units on the road today. That extra close to four feet allowed them the leeway they needed. I am not at all convinced we should be going any longer than that, even though the advantages are put forward of fewer vehicles on the road, more fuel-efficient vehicles, and so on. We have to weigh that very carefully. I am not convinced at all.

In Quebec the minister approved a test there using the double 45-foot trailers. We are awaiting results of what they find in that test. We know in Alberta, between Calgary and Edmonton they have had a special rule for some time on what I believe they call the Red Deer Highway. They allow very long units just on that highway. They have to be broken up when they get to their destinations. They are doing this in the United States too.

Last night after we left here I was watching the late news. I don't know if anyone else saw it, but I saw a flash of some experiment which has been approved in Saskatchewan, I believe. Did anyone see that?

Mr. Gilbert: British Columbia has it.

Hon. Mr. Snow: It showed a picture of a truck pulling out of a yard in Saskatchewan. I am sure—unless I wasn't seeing straight at that hour last night—there were three trailers connected together. It was a triple trailer. It looked more like a train pulling out of a siding than anything else. Apparently this is something they are allowing to be used as a test.

Mr. Philip: Anyone who has driven on the Prairies knows you are talking about completely different driving conditions.

Hon. Mr. Snow: Yes and no. I have driven on the Prairies too. Certainly they don't have the hills and curves we have on many of our highways here. We haven't even been requested to consider these vehicles on the normal highways. We have been requested to consider them on the 400 series, which are basically straight and level highways.

Mr. Cunningham: I was driving through your constituency, Mr. Minister, respecting the laws, speed limits, et cetera. I was behind a double tanker for three or four miles and I was disturbed by the extent to which the vehicle would always come back to a

centre point but it kept swinging to the right on the pup. I think the tanker was empty. I don't know if that is a common practice or not.

I was relieved in your opening statement when we started the estimates to hear that you weren't contemplating this experiment at the moment. But as the price of gasoline goes up, the pressure is going to mount regardless of who is in power. It is incumbent upon those of us in the Legislature to be able to make responsible comments and to understand the statistics.

I for one would like to see a breakdown if possible, a fairly detailed study you could do with data you already have. It would probably have to be compiled individually by someone, maybe a student.

Hon. Mr. Snow: Since we got a request about a year ago from one particular auto hauler our staff has been doing a considerable amount of research and work into the longer units. We contacted the other auto haulers. We didn't feel we should be talking to just one, if we are talking about auto hauling units. We have talked to five or six companies as to their interest in such an experiment, getting information from them, investigating different kinds of units and the hitch they are proposing to use, looking at the United States experience, for instance on the New York Thruway where they allow these units.

I believe in New York they have break yards. I don't know whether the state or the freeway supplies them, but they have break up yards at different interchanges where trucks can pull in and be broken down into two units or whatever to carry on into the city. We have been doing quite a bit of work on that but we haven't come to any decision. I haven't been convinced by the work the staff is doing that we should even be implementing a test on our highways.

I would point out that in our green motor vehicle accidents book we do break down the types of vehicles involved in accidents. I can't give you the exact specifications of the different ones, but we have, for instance, passenger car, passenger car and trailer, truck, truck and trailer, tractor and semi-trailer. So we have trucks broken down into three different categories. I presume that is a straight truck.

In regard to the vans you are talking about, a van that is registered commercially would no doubt be called a truck. A lot of these vans are registered as passenger vehicles. Whether they are in the car column or the truck column—do we know that?



**Mr. Larratt-Smith:** They would have a truck registration even though the registration—

**Hon. Mr. Snow:** If they have a passenger plate?

**Mr. Larratt-Smith:** In most cases they would have a truck registration plate with an annual registration.

**Hon. Mr. Snow:** In any case, we do have that kind of breakdown in our statistics.

**Mr. Philip:** Mr. Minister, that is one of the reasons the trucking industry is saying your figures are meaningless. You really haven't broken them down. They get blamed for an awful lot and they feel they have had a lot of unreasonable press lately. Obviously it is more dramatic and also often more tragic when a large truck crashes than when an Austin runs into another small car.

**Hon. Mr. Snow:** That is what I am saying. I have said this many times. We see headlines when there is a truck accident. It may not necessarily be the truck's fault at all.

**Mr. Philip:** But the only way we can deal with it is for you to come up with meaningful statistics. Neither we nor the trucking industry have those statistics. I won't repeat what I said in my leadoff statement on this, but I think it is important we have meaningful statistics gathered by your ministry on this.

**Hon. Mr. Snow:** We basically rely on the reports. The highway patrol does not come under this ministry, as you know, and—

**Mr. Philip:** But you—

**Hon. Mr. Snow:** Just a minute. If you don't want to listen to me, fine, but every time I start to say something you start to interrupt.

As I was saying, we do not have the highway patrol under the ministry. In Quebec they do. In many states in the US they do. We get reports on all accidents from the Ontario Provincial Police and the local police departments. We gather our statistics from those reports.

0:50 a.m.

**Mr. Philip:** But you design the form the OPP offices fill out to report the facts on the accident.

**Hon. Mr. Snow:** I am not sure.

**Mr. Larratt-Smith:** Yes, we do. That information is basically on the form. As Mr. Cunningham indicates, it is a question of trying that by different kinds of categories. I haven't seen the particular request he makes reference to.

**Mr. Cunningham:** I am sorry, maybe I can back on it. I thought they had requested

that from you, because the exercise was to combat requests for lengthening commercial vehicles.

**Mr. Gilbert:** May I say that this does break down these accidents a long way. There is an awful lot of information here. Are you aware of this?

**Mr. Philip:** Yes. I have a copy. The minister sent me one.

**Mr. Gilbert:** If we are looking for other types of information to be recorded, if we can do it and pull it from our information, there is no reason why we can't include it in this report.

**Mr. Philip:** The industry is suggesting it wants the kinds of information it thinks would be meaningful. I happen to agree with them. I am suggesting that perhaps by this time next year we could have it. It doesn't have to be on every form. In fact, the people I have talked to claim the form is inadequate. If there are problems in asking too many questions, that is fine. Then maybe what you should do is alternate it so that for every third or fifth accident they fill out a longer form. Somehow we have to get some meaningful statistics in order to deal with this issue.

**Hon. Mr. Snow:** With all due respect, I think the statistics we publish are meaningful statistics. I am not saying they couldn't go further into investigating accidents and getting further statistics as far as the trucking industry or the automobile industry is concerned, such as whether there are more accidents with imported cars than there are with North American cars. There are many more statistics we could ask for. We will take a look at it.

**Mr. Cunningham:** There is one trend you should be aware of. There appear to be more and more commercial vehicles on our highways all the time and passenger vehicles are getting smaller. I think more people are riding in passenger cars now than before. The results of a collision are well known to all of us. Three or four of my constituents were killed in that accident involving a truck where five or six men were killed on Highway 401. It was a terrible accident. Has the matter been concluded by way of litigation? Are we able to talk about it? I still don't know what the cause of it was, bad tires or what.

**Hon. Mr. Snow:** That has been in the courts recently. I don't know whether it is finalized yet. There was an inquest into that accident.

**Mr. Cunningham:** Those are the ones we read about. I don't want to lay the blame on the trucking industry. I think the Ontario Trucking Association is making a very significant effort. They may have some members that let us down from time to time. Many of the accidents may not involve their membership but may be private carriers or truckers from out of province. These are the accidents that tend to stay with us.

On May 2 there was a bad one on Highway 6, on that awful stretch from Highway 5 north to Guelph, which is a death strip in my opinion. There have been a number of very serious accidents there. There was a bad one on May 2, not that far from my own home, where people were trapped in the vehicle for some time. Fortunately, nobody died, but people were in the car for a while. When the ambulance got there and the people were removed, on the way to the hospital the ambulance broke down.

I think if we had those statistics, it would go a long way in developing a little better understanding of the problems. We are going to continue to face the problems. I commend you for the statistics that you do have, but I think if we were given a little greater insight into what was going on it would help greatly.

**Hon. Mr. Snow:** I am prepared to do anything we can to try to improve the situation on our highways. It is very sad to get the reports that we do.

A week or so ago, when we were discussing the estimates, there was a very serious accident on the Queen Elizabeth Way, down in your area, at Burlington. Two trucks collided, both drivers were killed and it made considerable headlines because of the severity of the accident.

Unfortunately, last night, not very far from the same area, two cars almost did the same thing—we got the preliminary report on it this morning. A car crossed the median and struck a car coming in the other direction head on and there were two fatalities in that accident. In both cases, two fatalities; in this case, two cars, in the other case, two trucks.

Just this last weekend we read in the paper of the accident that I referred to on Trafalgar Road, with two fatalities. We had another one in the Brampton-Georgetown area with one or two fatalities. Both of those cases involved cars, or in the one case a small van.

**Mr. Cunningham:** Not long ago, the coach of the Toronto Maple Leafs was involved in

a similar type of accident at St. Catharines. It happens all the time.

I would like to ask you, as well—I know we want to get on with this vote—what your disposition is going to be with these muscle cars and modified cars? I see far too many of them. I don't think it is too popular with the owners of the stores that sell the equipment to modify these cars, but, frankly, I don't see any purpose for them.

**Hon. Mr. Snow:** What modification are you referring to?

**Mr. Cunningham:** They do any number of things to them. I think the favourite modification is to jack the car up and put wider tires on it, but—

**Hon. Mr. Snow:** Have you read the Highway Traffic Act amendments I introduced a week or 10 days ago?

**Mr. Cunningham:** I haven't, no.

**Hon. Mr. Snow:** There is an amendment in the Highway Traffic Act that would prohibit modifications that would raise the height, or lower it as far as that is concerned, more than eight centimetres or 10 centimetres from the normal when it was manufactured. You can't stop a person putting on new shocks or new springs in his car; that may be slightly different. But that is in the Highway Traffic Act amendments that received first reading before the House.

**Mr. Cunningham:** Are you going to phase that in?

**Hon. Mr. Snow:** I believe that section is by proclamation. When the bill is passed we will be able to publicize it and then bring it in by order in council, the Lieutenant Governor's proclamation of that section, at a particular time. We can't bring it in on royal assent of the bill, because I don't think that would be fair to people who have vehicles that are so modified now. So we will have to give some period of time for them to demodify them. I am sure we are going to get flak from certain segments of the community, but I think it is very necessary to make this amendment.

I wanted to bring this in last year, but the changes that I proposed weren't accepted as part of the last revisions to the Highway Traffic Act. I have done more work on it since. I have discussed it with the Ontario Safety League and with the Ontario Traffic Council, and we sent our proposed amendments to them. I got replies back from both in support of the amendment.

Our amendment goes a little further than the one Manitoba brought in last year. Section 9 of the bill says: "No person shall

operate on a highway a motor vehicle on which the suspension system has been modified so that the height of the motor vehicle is more than eight centimetres higher or lower than its height at the time of its manufacture."

11 a.m.

It adds: "Subsection 1 does not apply to a commercial motor vehicle having a gross weight of more than 1,400 kilograms." In other words it does not apply to large commercial vehicles—which are not the problem anyway. It's the cars or in some cases the vans.

I have another amendment in that bill prohibiting the material they apply to the glass on an automobile so that you can't see through.

**Mr. Cunningham:** You can't see in.

**Hon. Mr. Snow:** We are prohibiting the use of any glass, any additive film or spray that prohibits seeing into the side windows or the windshield of the driving compartment. You can put it on the back windows of a van or something like that but not on the windows of the driving compartment—both sides and the windshield.

The main reason for this is that somewhat of a scary situation could arise for people driving down the road and when they see one of these vehicles they can't see whether there's a driver in it or not. Second, in the case of an accident, witnesses who might be able to verify who was driving the vehicle would not be able to tell. Or if someone driving the vehicle gets into an accident at a stop light or runs a red light and hits another car, if his licence happened to be under suspension, he could slide from one seat to the other and witnesses would not be able to verify who was driving the car. Maybe they wouldn't anyway, but at least there is a lot better chance. This situation was brought to my attention and that amendment is in this bill.

**Mr. Cunningham:** You have a constituent who is in that business I think.

**Hon. Mr. Snow:** I do and I haven't heard from him.

**Mr. Cunningham:** You will. I think he has developed a type of sun screen. I hope you will consider the difference between the two of them. I commend you on what you are doing with these cars that look like the wrong side of sunglasses.

**Hon. Mr. Snow:** This doesn't prevent the tinted glass type of situation.

**Mr. Cunningham:** The last item I would like to raise is the problem with motorbikes

and minibikes on MTC land. I have written to the ministry to get some assistance with regard to lands around Ancaster or around Highway 403 and I appreciate the prompt reply. But in discussing with other members and people in municipalities, I find similar situations apply in other areas where the land is there. There is nobody on the land and a lot of these minibike operators feel it is incumbent upon them to use the land as they please.

First, it has a terrible effect on the land. There's an area that I think National Sewer Pipe Limited owns in Burlington and that I drive through on the way home. They allow these guys to use it because I think they are just going to quarry it for clay anyway. But if one had to rehabilitate this land after what these guys have done to it, it would be pretty tough. Wildlife, animals and so forth are nonexistent in the area. Fortunately there are no houses around this area, but the noise in the Highway 403 area where my constituents are is considerable. I happen to think a lot of people are facing this problem and I don't know what you do with these little guys who get on these things.

**Hon. Mr. Snow:** This situation doesn't happen only on MTC property. That's for sure.

**Mr. Philip:** Hydro corridors and playgrounds.

**Hon. Mr. Snow:** Hydro corridors, undeveloped land. I know there is an area out on the south side of the Queen Elizabeth Way in Oakville that is land designated for an industrial subdivision. They love to tear around there.

But I am in the process of a bill, an Off-road Vehicles Act, which we have developed in conjunction with certain municipalities, with the Municipal Liaison Committee. If I can get it through the process, I will introduce it in the next two or three weeks.

It would provide for a registration system for these off-road vehicles. It would require insurance and hopefully would require helmets to be worn. Then there would be provisions for municipalities to pass bylaws, as they do under the Motorized Snow Vehicles Act, to say where these vehicles can be used or at least where they can be prohibited from being used. I think this will go a long way towards dealing with that particular problem. Our bill doesn't get involved with noise.

**Mr. Philip:** I would like to deal with a couple of safety items under this vote. I won't be long. Has the minister received a copy of the resolution of the city of North



York dated January 8, 1980, dealing with the derailment of the train in Mississauga? There are a couple of sections which I think are very relevant to his ministry and deal with the whole problem of safety. We could also have dealt with it under another vote, but I think this is as good a place as any.

The resolution states:

"Therefore, be it resolved that the council request that CPR not ship lethal chemicals and flammable liquids to the Agincourt marshalling yards until an inquiry into the Mississauga accident takes place and reports to the public; and, therefore, be it resolved that the appropriate members of the federal government, representatives of the Canadian Transport Commission and members of the provincial parliament be requested to support such a ban; and be it resolved that the Metro council and the cities and boroughs of Metropolitan Toronto and the Association of Municipalities of Ontario be requested to support such a motion."

Then it goes on about a concern over fire service over the years in the transportation of hazardous and dangerous goods. It says later on: "That the Minister of Transportation and Communications in the province of Ontario be requested to advise the city what kinds of lethal chemicals and flammable liquids are being transported through the city by highways and what regulations are presently in effect to prevent a situation which recently occurred in the city of Mississauga from happening on our highways."

Later it says: "That the Minister of Transportation and Communications of the province of Ontario be requested to give consideration to the matter of having legislation enacted by the provincial government to grant municipalities the authority to establish specific routes in municipalities on which lethal chemicals and flammable liquids may be transported and also to establish hours of day or night during which same may be transported."

I believe this was circulated to all MPPs, so I am sure you have received a copy. I can lend you mine if you want to use it to comment on.

**Hon. Mr. Snow:** We have discussed this whole matter of dangerous goods so many times. I don't know what more I can add. I went through it all the other night. I can go through it again as to what we are doing. I met with Mr. Pepin two or three weeks ago. One of the main items on our agenda was the new dangerous goods bill and the regulations being developed by the federal government.

It so happened that the bill was introduced into the House two days before I met with Pepin. It has received second reading now and is back in committee, the same place it was last December before the defeat of the government. We dealt with this at the CCMTA meeting in Victoria where all the provincial ministers agreed I should write to the new Minister of Transport when he was appointed, asking that this be given top priority because we do want common standards right across the country for dangerous goods movements.

We have also set up a dangerous goods office in the ministry in preparation for the implementation and enforcement of the federal regulations. As soon as they are available, we are proceeding to implement a mechanical fitness certificate inspection program for all vehicles carrying dangerous goods. I mentioned that again the other night. That is in process now. I don't know what date we have set for implementing it, but it is like any other program in that we have to give the industry a certain period of time to get ready for the implementation date.

11:10 a.m.

As for giving municipalities regulations power to designate routes, that wouldn't come under my jurisdiction anyway. I think that would be a Municipal Act item which would have to be amended. I am not sure. I think we have to have federal regulations and get those into force and get our own shop in order to enforce those regulations. Then, if there is something further we have to do beyond that, we can certainly look at it.

**Mr. Philip:** You have just given me an answer that is similar to what we went through the other night. What I wanted today was that you address yourself—

**Hon. Mr. Snow:** I am being consistent here.

**Mr. Philip:** You are being consistent, but I am no more knowledgeable.

**Hon. Mr. Snow:** I can't help that.

**Mr. Philip:** You can help that by addressing yourself to the very specific points in that resolution. If your answer is you are not prepared to do that until such time as the federal legislation is in place, fine but at least say that so we know what the answer are. I would like you to at least address yourself to those particular parts of the general resolution which I have just outlined which you now have before you. I have underlined those sections I have been most concerned about.

**Hon. Mr. Snow:** First of all, regarding the resolution asking that commodities not be shipped to the Agincourt yard, I have no jurisdiction over that and you damned well know it. After the Mississauga accident the CTC did implement some interim regulations as to the transportation of dangerous goods and how they place them in the consist of the train. That comes totally under federal jurisdiction.

As far as the study is concerned, the investigation into the Mississauga accident, you know as well as I do that is well under way. It has been going on for several months. I don't know when we are going to have that report.

**Mr. Philip:** You know, you love to have it both ways. You like to set up a provincial task force on something that is essentially within federal jurisdiction and give the appearance you are doing something. Then, when we ask you what you are doing in terms of specific items on rail, you say, "Well, it's not within my jurisdiction." I say to you, Mr. Minister, you can't have it both ways.

There are specific recommendations in here which you do have an influence over and which they have asked you to take action on. I am asking you to address yourself to those items.

**Mr. Gilbert:** But, Mr. Philip, when you look at (e), it says, "The Ministry of Transportation and Communications be requested to advise the city what kinds of lethal chemicals and flammable liquids are being transported through the city by highways." That means anything travelling on Highway 401; North York wants to know what is going rough. Also, "What regulations are presently in effect to prevent the situation which recently occurred in the city of Mississauga from happening on our highways."

The minister says that we certainly have outlined on a number of occasions the process and discussions that are going on with the federal government and with the other provinces to come up with regulations that not only apply for chemicals and dangerous goods going through North York, but also through the province of Ontario and the other provinces in Canada.

So when we look at (e) as one of the items you have outlined here, I think you can see it is impossible, as I see it, to advise them everything that is going through the city of North York on Highway 401.

**Mr. Philip:** What the municipalities have asked for in their fight with both the federal government in this case and with the Atomic Energy Control Board are very specific

things. They are asking for some influence over the routes the dangerous goods are taking. They want to know what goods are being transported and essentially they want to have some influence over the time of day at which these items are being transported.

As Minister of Transportation and Communications in this province, you have some responsibility to take the concerns of the municipalities to the federal authorities, be it the Atomic Energy Control Board or whoever. You should deal with that and say, "These are what our municipalities in this province are concerned about. As minister, my responsibility is for safety on highways. I cannot fulfil my role as minister without having this part of the gestalt in place. I want you people to co-operate with me in meeting these requests."

**Hon. Mr. Snow:** I have been doing all those things.

**Mr. Philip:** Have you answered the resolution yet for North York? If so, can you provide us with a copy of your answer?

**Hon. Mr. Snow:** I can't tell you whether I have. I can't tell you whether I received it. I must presume I have. As Mr. Gilbert has said, I don't know how I can advise North York of every truck that goes along Highway 401 carrying some flammable liquid. I am concerned about how it would affect our overall transportation system if different municipalities started passing bylaws specifying different times of the day that a truck could go through their municipality. It would be pretty disruptive to our transportation system.

**Mr. Philip:** That may well be what will happen if municipalities such as Ottawa are constantly frustrated in their attempts to deal with the federal government on this matter, in the absence of any leadership from the provincial government backing up some of their concerns.

**Hon. Mr. Snow:** My staff has been working continuously. We have apparently answered the resolution. I don't have a copy with me.

**Mr. Philip:** Would you table a copy with the committee please?

**Hon. Mr. Snow:** Certainly.

**Mr. Philip:** If necessary, Mr. Chairman, even if this vote is passed, I hope once we have that material we may come back to it later on, if that is the understanding of the committee.

Another matter I would like to deal with, which the minister may say is within federal jurisdiction also, is the whole problem of

children's seatbelts. I recognize that the federal Department of Consumer and Corporate Affairs has regulations about harnesses under the Hazardous Products Act, I believe, concerning children's car seats. According to the Consumers' Association of Canada, people are paying anywhere from \$31.65 to \$84.99 for children's seatbelts, plus an installation charge which runs about \$25.

In the United States, there are very specific standards on children's seatbelts. I am wondering what you may have done in co-operation with the federal government to come up with standards and also to ban unsafe children's seatbelts from the market. Have you discussed this with the provincial Ministry of Consumer and Commercial Relations and with the federal Department of Consumer and Corporate Affairs?

**Hon. Mr. Snow:** The whole matter of child restraints is being considered at the federal level. I understand they have endorsed it.

**Mr. Gilbert:** There is a current standard with regard to children's seats under review right now. We have made a submission to the federal government.

**Hon. Mr. Snow:** That is the one for children 20 pounds to 40 pounds?

**Mr. Gilbert:** That's right.

**Hon. Mr. Snow:** As I understand it, they have about half a dozen different models of seat restraint systems that have been approved at the federal level.

**Mr. Gilbert:** There are a number that now meet their standard. The federal government has not yet come out with an infant standard as we have been urging them to do.

**Ms. Gigantes:** Infant is up to 20 pounds?

**Mr. Gilbert:** Yes.

**Hon. Mr. Snow:** Apparently that is where they draw the line.

11:20 a.m.

**Mr. Philip:** Have you had any input from the medical profession? I gather the Ontario Medical Association cannot agree yet whether children's seatbelts are more of a hazard than a safety precaution. There is some debate in that area. Do you have any reports from the OMA that you could file with the committee on this?

**Hon. Mr. Snow:** I don't believe so. We haven't had any submissions from them. In general everyone is interested in safe child travel restraints. We have made submissions to the federal government.

I was involved in Tokyo last November at the invitation of the Japanese government in a seatbelt symposium, a meeting where they

had people from all over the world. There was a large display of different restraint equipment there, including an infant restraint I was quite impressed with. I have never seen anything like it in this country. If we were satisfied on the proper federal approvals of this equipment, then I am certainly prepared to consider bringing it before the House to mandate the use of such equipment.

**Mr. Philip:** I take it we can have a copy of your submission to the federal government in this regard?

**Hon. Mr. Snow:** What submission was it that you made?

**Mr. Larratt-Smith:** These would be comments with regard to the review of the existing child restraint standards. I can't tell you offhand what the status of those comments would be.

**Mr. Philip:** If we could have copies of them, at least we can deal with them or discuss them in front of the committee.

I would like to deal with railway-crossing accidents. Is it correct to say the provincial government pays 25 per cent of the cost of making the protective crossings?

**Hon. Mr. Snow:** No, I don't think so.

**Mr. Philip:** We believe that your share is 25 per cent, and the federal government pays 75 per cent.

**Hon. Mr. Snow:** The share is determined by the federal contribution.

**Mr. Philip:** They kick in 75 per cent.

**Hon. Mr. Snow:** I am not so sure that is the exact percentage. We are talking about a grade separation, I presume, not a set of wigwags and crossarms. They are two different programs. The application is made by the municipality for a grade separation, bring an order in council to cabinet authorizing the municipality to apply to the federal government. It goes to the federal minister and to the CTC, which allocates the costs of the amount of federal contribution. The issue the board order allowing the grade separation to be built and they set down the amount the railway will pay, which is usually quite small. There is usually a major federal contribution and, beyond that, the balance the municipal contribution.

**Mr. Philip:** Which works out to about 1 per cent.

**Hon. Mr. Snow:** We subsidize the municipal contribution at 50 per cent.

**Mr. Philip:** So out of the taxpayers in Ontario directly, you are paying roughly 25 per cent, half of which is from the municipal



What I find interesting is that—and I am quoting from Statistics Canada, admittedly their 1976 statistics—the percentage of unprotected grade crossings in Ontario was 46 in urban areas and 62 in rural areas.

If we compare our percentage of unprotected grade crossings with another highly industrialized province, namely Quebec, they have about 36 per cent for urban and 39 per cent for rural areas. I don't think it's fair to compare Ontario with Manitoba or some of these other provinces that are mainly rural, but even if you compare it with a fairly large province like New Brunswick or Nova Scotia we don't come out all that well, even though that's much more of a rural type of society than Quebec or Ontario.

I am wondering what it is that you may be doing to encourage more money to be spent on this, because there have been a number of accidents. I believe there was one particularly horrendous accident not so long ago in London. If you look at the statistics over a period of years, while the fatalities involved in these are not increasing they are certainly not decreasing. We are talking about from 1971, when there were 587 casualties at crossing accidents; in 1976 there were 524. Of those totals 116 were killed in 1970 and 108 in 1976. They are not going down substantially. As a matter of fact, some years they went up. I am wondering what dealings you may have had with the federal government and with local municipalities to try to increase the number of these that can be done away with.

**Hon. Mr. Snow:** It's an ongoing program. Prior to about 1978 the program was under the federal grade separation fund where the federal government contributed to two grade separations. Then there was a very frustrating period in about 1978 when the federal minister, Otto Lang at that time, was bringing in the Urban Transportation Assistance program. We went through a period there of about close to a year—it affected a year's construction—where we got no approvals from the federal government of any significance for grade separations. Everything was just held. All the applications that were going in were held.

Mr. Lang announced the program, and I don't know whether you are familiar with the details of that or not. It was \$10 per capita. First of all, he took the money and he really wrapped a railway relocation program, the grade separations and municipal transit together, the three, and said we will call that the Urban Transportation Assistance program.

There was no new money added to the program. He just said there will be \$250 million of federal funds available over five years. These funds will be distributed at the rate of \$10 per capita to the provinces, so that meant that Ontario, over five years, got about \$83 million at \$10 per capita. It was \$2 per capita per year, so we got about \$16.25 million per year.

That money is supposed to cover railroad relocation, grade separations and urban transit. We had requirements for considerably more money than that for grade separations alone. It was probably more like \$25, \$30, even as high as \$40 million a year we would need for grade separations that needed to be done or that were in the program. I complained to Mr. Lang that this was insufficient funding, but nothing more was forthcoming.

11:30 a.m.

In 1978 and 1979, the \$16.25 million was cut as some kind of a measure to save money in Ottawa. I believe in 1978 it was cut to about \$6 million, and in 1979 to about \$11 or \$12 million. We were told we would still get the \$82.5 million over the five years, but it would be made up in the last three years. This wasn't too much of a problem, because the fact that nothing had been approved for about a year meant municipalities were not in a position to spend the money in any case.

We told the federal government this is a totally inadequate program for what it is meant to do, but we will assign all our UTAP money to grade separations. We will not use any of it for transit or other things. The province of New Brunswick, for instance, took the money and bought buses for Fredericton and St. John, or something like that.

We said we would use it all for grade separation and we've been allocating practically all of that money to municipal grade separation. On our provincial roads, any place where we are building an overpass on a provincial highway qualifies for that money just as a municipal one does, but because of a lack of funds we've gone ahead with a lot of our provincial highway jobs without applying for UTAP funds, because there just wasn't enough there.

In other words, we're leaving the federal funds available to municipalities and we've been paying 100 per cent of a lot of grade separations that we've been doing.

**Mr. Philip:** You've been paying 100 per cent in the rural areas.

**Hon. Mr. Snow:** On the King's Highways, yes, such as Highway 404, Highway 403, or

Highway 11, and other highways where we're building grade separations, we've been paying for ourselves. We're doing two grade separations down on the Caledonia bypass right now. We waited for four years to get UTAP funding and it still wasn't available, so we went ahead with 100 per cent provincial funding.

We have a program laid out with the municipalities. We deal with the applications as they come in, we forward them to Ottawa, and we prepare a financial plan for the flowing out of funds. There are quite a number of grade separations under construction under the UTAP plan, but there's a tremendous backlog running ahead three or four years.

I had said to Mr. Lang: "What happens to this program at the end of five years?" He had announced a five-year program. His comment was, "I expect by the time the program is completed all the grade separations will have been built in Ontario." Of course, that's absolutely ridiculous.

I approached Mr. Pepin again on that at our meeting two or three weeks ago, and I discussed it, of course, with Mr. Mazankowski in the interim. Mr. Pepin didn't make any commitment for the continuation of the program, but he certainly didn't leave us with the opinion that Otto Lang did, that it was just going to terminate at the end of five years.

There was no commitment for more money. He would not give us any commitment for funding beyond the five-year program. In the old grade separation program it was not designated to provinces. The federal government had a pot of money in its budget for grade separation and we would process applications.

I think Ontario got more than its fair share on that. We were putting in more applications and we ended up getting more money than any other province on a per capita basis or any other way you figure it because we were making the applications for it.

Under this new program, it is on a per capita basis for the province, and even if Saskatchewan or somebody else doesn't spend theirs it is not available for us. We can only get our \$16.25 million.

**Mr. Philip:** Even if you're able to talk the federal government into increasing the program we're still left with a very basic problem. The municipalities are claiming that they cannot afford more than a certain number of these a year. I quote to you from the Toronto Star, Gus Harris of Scarborough. Scarborough has more, I understand of these than—

**Hon. Mr. Snow:** There have been several new ones built in Scarborough in the last three years.

**Mr. Philip:** Scarborough Mayor Gus Harris, in the Star of February 18, states: "Our share of the cost is still a pretty big item when you consider all other demands on the budget. One grade separation every year or two is the best that we can do, although I wish that we could clean them up faster."

If that is the position in the municipalities, even if you do increase the federal grants, unless you can come up with some kind of formula whereby you are paying a bigger percentage or the federal government is paying a bigger percentage of the municipality's share you are still not going to end up with any more crossings.

**Hon. Mr. Snow:** Certainly municipalities have to look at their budgets and their priorities too. The federal government insists that a sign be put up on every project showing the contribution. It is not unusual to see where the federal contribution may be \$2 million; the railroad's \$50,000; the province's, \$700,000; and the municipality's \$700,000, or something in that category.

The big problem I have had with the municipalities is trying to get their projects into the program. I haven't had any real approaches from the municipalities objecting to the sharing of the funding. We only have so much money for municipal roads, and it is really up to the municipalities to set their priorities as to how they spend it.

**Mr. Philip:** You are not saying then that you are going in any way to increase or decrease the 12 per cent the municipalities would have to pay on these as a way of speeding up or increasing the numbers that are done?

**Hon. Mr. Snow:** No, we haven't any plan for that, and we really haven't had any requests. Of course, I am sure if there were funds available the municipalities would then request a better funding formula, but I haven't really had too much complaint from them. Really what they have been wanting to do is get the money that is available under the present program and their complaint is there is not enough money available under the present formula. The haven't been asking for a change in formula.

**Mr. Gilbert:** We have a breakdown of the percentage change based on new alignment or reconstruction or what is involved. If you are interested in that breakdown of the CTI at any time, we can certainly give you that

**Mr. Philip:** I have been receiving copies of correspondence to your office on another item for over a period of almost a year from Alderman Moscoe, Alderman Pat O'Neill and Alderman Mike Foster in North York. It has to do with the whole problem of safety, but is particularly related to fire safety on Highway 401 with hazardous materials. They have asked for your intervention and to meet with you and your staff to consider the problems they are facing on major industrial, uncontrolled access highways. I am wondering what you and the Solicitor General have done in order to meet the concerns of the Aldermen in North York about fire problems on access roads running through North York.

**Hon. Mr. Snow:** We have had correspondence with the municipality. We don't have our own fire departments on the highways. We rely on the municipal fire departments to be called out to deal with fires that happen on all our highways. We have a program whereby we pay the municipality for its cost of the call to a fire on a provincial highway. We may or may not recoup those costs from the insurance company or the causer of the accident or the fire. I don't know what our percentage is in recouping those costs. I think it is about 50 per cent.

One of the things that was brought to our attention was that where the noise barriers are being constructed it makes it very difficult to get those lines connected to hydrants, if there is a major fire.

We worked with the municipal people and marked and made openings, I believe, in the noise barriers where there are hydrants on the other side, so that they can have access to get a hose through.

1:40 a.m.

**Mr. Philip:** They have requested, though, that storage depots be provided for foam and other firefighting equipment along those roads. Who would pay for that? Is it the Ministry of Transportation and Communications or the Ministry of the Solicitor General which would pay for that kind of project?

**Hon. Mr. Snow:** I don't know. I have had quite a bit of correspondence with them. As I recall, we said we would make provision for foam storage on the highway, if the local fire department wanted to put in a foam storage shed. I don't know how they store foam really. I don't know the technicalities of it. I know the fire vehicles carry foam for dealing with gasoline fires and chemical fires.

**Mr. Philip:** Did you ever have the meeting that was requested with your staff?

**Hon. Mr. Snow:** Yes, we have.

**Mr. Wilkes:** We have had meetings recently and, in addition to what the minister just said, we have agreed to allow them to place storage depots on the right of way and will try to find places there that are convenient. The other thing we have done recently is, you may have noticed that the kilometre markers are now every 500 metres, or half a kilometre. That is what that little "5" on the bottom is. That is to facilitate identifying the various locations. As far as I know, there is fairly good understanding and co-operation now between ourselves and the municipalities.

**Mr. Philip:** Thank you.

There was an article in the Toronto Star of December 29, 1979, dealing with safety checks and their inadequacy. There was the case of a Willowdale woman—no doubt you are aware of it; it would have been brought to your attention—who had bought a safe used car which was certified by a service centre mechanic. The next day she filled it up with gas and had the oil replaced at a neighbourhood service station. The mechanic there had the car hoisted and found that gas was leaking from the tank. He told her that anyone lighting a cigarette in the vicinity would certainly cause an explosion.

She drove it straight to a government motor safety inspection station. The inspector took one look at it and grounded the car as unsafe. She had it towed to the service centre that had certified it as fit and was told she would have to pay \$192 for installation of a new gas tank.

Basically, the point is that when the service centre was checking it they should have ensured that the gas tank was full in order to check that particular possibility. The Ministry of Transportation and Communications says that before carrying out that kind of thing you must check the mounting to ensure it is secure, ensure that the filler cap is present and ensure there is no visible leakage.

Have you, since you have had that incident, thought of requiring that one of the checks would be that the car be filled with gasoline to ensure that there are no leaks when the inspection is done?

**Hon. Mr. Snow:** I don't think we have changed the regulation following that. It certainly makes sense if you are going to check the gas tank for leakage that it should be full. An empty tank isn't going to show a visible leak.

We get complaints sometimes from a consumer who has had a vehicle safety inspected and then finds something wrong with it at a



later date. The requirement is that the safety inspection certificate is only valid for 30 days, I believe. If a safety inspection certificate is on a used car, say, and the car is put on a used car lot, if the car isn't sold within 30 days a new certificate has to be done.

Sometimes people find fault with the car. If we get a complaint, our people will check it out with the garage that has done the work and try to verify whether the work was properly done. That certificate is not a guarantee, as I am sure you understand. The certificate says that as of the day the mechanic signed that certificate, he certified that vehicle to be safe.

**Mr. Philip:** Certain service stations are authorized to make these checks and others are not. Have you had to remove very many authorizations?

**Hon. Mr. Snow:** Certainly we remove some—Mr. Wilnot might have figures. We have certainly cancelled the authority to carry out safety inspections. We have also cancelled the authority of mechanics to sign certificates, I believe, where we have found they have not been doing a proper job.

**Mr. Wilnot:** I am not quoting accurate statistics, but it is approximately 200 stations a year that either voluntarily or otherwise go out of the program. The majority of these, when they are presented with evidence of falsification of certificates, voluntarily withdraw. A small percentage believe they should exercise their right to go to the licence suspension appeal board.

**Mr. Philip:** I have no further questions on this, Mr. Chairman.

Vote 2603 agreed to.

On vote 2604, provincial roads program:

**Mr. Chairman:** I believe, Mr. Minister, you have some personnel you may want to introduce.

**Hon. Mr. Snow:** I understood we were going to deal with Mr. McNab, who is here, and the Toronto Area Transit Operating Authority.

**Mr. Cunningham:** That is vote 2605.

**Mr. Chairman:** Okay.

On vote 2605, provincial transit program:

**Hon. Mr. Snow:** Mr. McNab and Mr. Leach, would you come forward?

**Mr. Philip:** I thought we were dealing with provincial roads at this point. Am I not understanding correctly?

**Mr. Chairman:** We asked these people to come in at the request—

**Mr. Philip:** But our understanding last night was that they would not be required. I believe that was the understanding of the minister.

**Mr. Cunningham:** It wasn't my understanding. I thought we would be able to clear this up. I think the understanding was that we would get off the safety vote relatively quickly today. I am sorry—

**Hon. Mr. Snow:** I was asked by the chairman last night that, due to the fact that we had announced several days ago that TATO would be on this morning and that other members might be coming to discuss TATO, I should have TATO staff here this morning.

**Mr. Philip:** Mr. Di Santo has been waiting around for two full sessions to ask just about five minutes' worth of questions on provincial roads. Maybe there are other members who have questions on provincial roads who have been waiting that long.

**Mr. Cunningham:** I thought the arrangement last night was that we would finish vote 2603 as quickly as we possibly could. Frankly, I didn't think we would go on as long as we have today.

**Mr. Chairman:** That's right. We figure about a half an hour.

**Mr. Cunningham:** I didn't go on all that long.

**Mr. Philip:** I assume then that we will stay on provincial roads tomorrow evening?

**Mr. Chairman:** Mr. Swart indicated wants to speak. Mr. Cunningham.  
11:50 a.m.

**Mr. Cunningham:** Thank you, Mr. Chairman. I have three areas of concern that I want to discuss as quickly as I possibly can. My usual request for improved and extended facilities to Hamilton is paramount in my mind today. I wonder if Mr. McNab could bring us up to date with regard to ridership and general trends within the service for the Hamilton area, and just what the possibilities would be of seeing a greatly improved extension of services in the Hamilton area.

I note with some interest you have \$1 million for rail service to Milton. I appreciate and understand how rapidly Milton is growing. In terms of employment, I would think its community of interest would be Toronto. But Hamilton is the second largest city in the province, and I think the fifth largest in Canada. Anything we could do to accelerate the service to Hamilton in terms of improvement would be beneficial to the province.

Hon. Mr. Snow: I might just point out, Mr. Cunningham, that the so-called Milton service in our estimates is not totally for the benefit of Milton. It services the whole west Metro area and Mississauga. There will be four or five stations through Mississauga. The first one is at Kipling, then Dixie Road, Highway 10, Cooksville, Burnhamthorpe Road, Treetsville and one at Erin Mills.

Mr. Cunningham: Nothing in Norval?

Hon. Mr. Snow: The tracks don't go near Norval, so I'm afraid it would be pretty difficult to get a stop there. It's bypassing Hornby. There is not going to be a station at Hornby this time. Maybe when metropolitan Hornby grows we will get one there. Right after the Grassi Street. De Grassi Street and Hornby are about the same priority. Milton is a program that has been under way for some time. The scheduled opening of that new major rail line is the fall of 1981.

As far as Hamilton is concerned, Mr. McNab would you like to try to discuss that? I know the problems, but maybe—

Mr. McNab: The situation in so far as rail service to Hamilton is concerned hasn't changed one iota from last year. It's basically a question of economics and also demand. I think I pointed out last year that we have increased the bus service to Hamilton. As for travel time, there is very little difference.

We've improved the situation in Oakville by transferring from the bus to the train. We have also found that even when the trains are running in the time slots they are running, the buses are out-carrying the trains. I think it's a matter of convenience. Buses leave from downtown Hamilton, they pick up the route, and it's much more convenient.

As far as Hamilton is concerned, which is served by the James Street station, it is the most convenient area. There has been consideration of Toronto, Hamilton and Buffalo stations, but that presents some rather major problems.

Mr. Cunningham: What are those problems?

Hon. Mr. Snow: One thing Mr. McNab mentioned yesterday, when we were discussing this matter at the chamber of commerce, is that we are carrying more passengers out of Hamilton by bus, leaving at the same time as the train. Passengers are preferring to ride the bus. They could obviously take the train, because it leaves at the same time, but it is empty. They're guaranteed seats, and they still prefer the express bus service we offer.

Mr. Cunningham: What is the explanation for it? Does it arrive sooner?

Mr. McNab: It arrives at about the same time. The express buses are five minutes faster than the train. Also, in answer to your question, one of the problems of the Toronto, Hamilton and Buffalo stations is, again, to use that for passenger carrying in that section there would have to be some rather costly track plant improvements that would be difficult to justify.

The situation is largely the same as it was last year. I think our statistics will show there has been an increase in the bus carriage in the area, and nothing really to speak of so far as the trains are concerned. It is very costly to run those trains in there, with all that steam.

Hon. Mr. Snow: From an energy standpoint, the studies that have been done show that in the high volume areas the train is certainly the way to go, but in the lower volume routes we are able to provide a better service with a bus for a fraction of the operating costs of the train. From an energy standpoint the passenger seat-miles per gallon of diesel fuel is quite comparable between the two if they are both loaded at an equivalent capacity. But when you are running a train at five or 10 per cent capacity and compare it to running a bus at 75 per cent or 80 per cent capacity, the economies are just completely out of line.

We have made major improvements in your area by way of the new Burlington station, which is a joint bus and rail terminal and is interfaced with Burlington Transit. When we built that the parking lot looked awfully big, but when you go over there now the parking lot is about ninety per cent full. So we have been able to increase the service. At least now, if people go in on the train in the morning and come home a little later at night on the bus, their car is in the right location. They don't have their car at the bus station and come out on the train or vice versa. We have transferred the old bus parking lot and station into a commuter parking lot.

Mr. Cunningham: Which brings me to my last question. You have taken the shelters down on that or, let us put it this way, the shelters have been taken down on the old facility. It is a minor point.

Mr. McNab: Mr. Gilbert can answer that. We turned that property back to him I believe.

Hon. Mr. Snow: It's a commuter lot now and we don't have shelters on commuter lots. I presume they are being used someplace else.

**Mr. McNab:** Yes, we would take them back into stock and use them in other areas. I am not aware just what we have done with them.

**Mr. Cunningham:** I commend the use of the lot as it is. If you go by you will see a lot of cars there, which means that people are making arrangements to drive to Toronto together, which I highly endorse.

**Mr. Gilbert:** Commuter lots are very attractive, not only there but in the other locations.

**Hon. Mr. Snow:** Basically, the only facility we supply at the commuter lot is a telephone booth, so that if people are waiting they can—

**Mr. Cunningham:** I don't even know if you have that any more, but it could be very crowded on a rainy day.

**Hon. Mr. Snow:** But what is the need for a shelter at a car pool lot where people meet with their cars and get from one car to another? I don't think they are going to be sitting in a shelter.

**Mr. Cunningham:** You are assuming that everybody takes his car there. Some people have their very willing spouse get up in the morning with them and take them to that facility and drop them off, as some families are getting to be one-car families. You can't be guaranteed that when the person returns from Toronto after a hard day at work his spouse, all well intended, is going to be there on time. Occasionally, the snow can be a bit much to tolerate, as can be the rain or freezing rain or wind, and you are in a wide open area there. Your shelter was already established and I am just wondering why it was taken down.

**Mr. Gilbert:** Are you suggesting we have a shelter at every one of our car park terminals?

12 noon

**Mr. Cunningham:** It might not be a bad idea. I am not necessarily advocating that, but when you had the facility already there I don't know why you would go to the expense of taking it down. That is my point.

**Hon. Mr. Snow:** Does anybody know where it went or why it went?

**Mr. McNab:** We did not take it down.

**Mr. Cunningham:** I would think Teperman and Sons Limited or somebody took it down.

**Mr. McNab:** Sir, I might add that in our experience with shelters, or any facility, in areas that are not manned the vandalism is terrific. If Teperman did not take it down,

the vandals around would do a pretty good job of it. The experience of the city of Toronto in regard, say, to the lots at Finch Avenue—they have a number of lots in connection with the subway system—is precisely the same. They don't provide shelters. They consider it is a transfer point.

**Mr. Cunningham:** I have no further questions. I would just commend you for pretty good work on this program. It is a tremendous program and a showpiece for Ontario. I commend you for your work.

**Ms. Gigantes:** I have a very simple question. Do you have an indication of how many megawatts of electricity it would take to electrify GO?

**Mr. McNab:** I have no idea.

**Hon. Mr. Snow:** We are doing a study of the electrification of GO. It is two or three months away from being completed.

**Ms. Gigantes:** I wonder if I could get the information as soon as you have it? It would interest me greatly.

**Mr. Gilbert:** For all the GO lines? We're doing it west of Toronto here. Are you saying the electrification of all the GO lines?

**Ms. Gigantes:** I just want an indication of the relative amounts that would be involved.

**Hon. Mr. Snow:** I am sure that will be part of the study as to the whole economic of it.

**Ms. Gigantes:** Yes, if you know one part of it then you can make some assumption about the cost of the whole thing.

**Mr. Gilbert:** The minister said that study will be finished in two or three months.

**Ms. Gigantes:** That was my simple question. You don't have anything to do with perhaps you have the information though what it costs to set up an urban computer information system for commuters? I heard an interview on Metro Morning recently, believe it was from East York. I know the Toronto area so little that I could be mistaken. It was about a fairly sophisticated computer information program.

**Hon. Mr. Snow:** It depends on what you are talking about. Metro Toronto has a very sophisticated program.

**Ms. Gigantes:** No, it was not a Metro program. It was for a borough.

**Hon. Mr. Snow:** The boroughs don't have separate transit systems. In Metro Toronto it is the Toronto Transit Commission. You have one system, so it could not be for a borough. Mississauga has a system where you dial a telephone number—



**Ms. Gigantes:** The name of a lady.

**Mr. Gilbert:** Erica.

**Ms. Gigantes:** Erica, yes. How much does that kind of a system cost? It struck me as enormous.

**Hon. Mr. Snow:** We probably should discuss that under municipal transit.

**Ms. Gigantes:** Okay, I will leave it.

**Hon. Mr. Snow:** We have subsidized that. We have subsidized this Metro system, which is really something. They have a small computer, a VHF transmitter on the bus. This is only operating in a certain area of Metro up around Wilson.

**Ms. Gigantes:** If you subsidize it, you have some idea of the cost?

**Mr. Gilbert:** Yes, we can provide all that.

**Hon. Mr. Snow:** The system up there tells the controller sitting at the computer in headquarters where every bus is, whether it is ahead of time or behind time. In the case of an emergency they are in voice communication back and forward. They can tell exactly where the bus is. In the case of an emergency, a holdup or some problem on the bus, the driver does not even have to speak. He presses a certain button and that triggers something on the master computer. The controller can have the police, fire department, ambulance or whatever is required there without the driver speaking.

**Ms. Gigantes:** This is a different system from the one I spoke of.

**Hon. Mr. Snow:** The one in Mississauga to tell people where the bus is. If you dial telephone number and then you dial a route number, say, route number 24, stop number 52, it will tell you when the next bus will be there.

**Ms. Gigantes:** I was enormously impressed by it.

**Hon. Mr. Snow:** This is used where buses run only every half hour or something. In the cold weather you don't want to sit there and wait for 20 minutes, so you find out at that time the bus is going to be there and then you walk up to the corner.

**Ms. Gigantes:** That is a much more extensive system, useful only on a time schedule that has large gaps in between service.

**Hon. Mr. Snow:** Mississauga is the only place I know of—

**Mr. McNab:** We're developing one for O. We're going into it gradually, to cover the whole system, and this is particularly applicable to our rural or semi-rural bus

routes, and not the train. The estimated cost, over a period of years, is \$750,000.

**Ms. Gigantes:** That's your program cost?

**Hon. Mr. Snow:** The annual cost.

**Mr. McNab:** No, that's the cost of the installation, the capital cost, and I think we're about \$200,000 or something into that now and it will be over another two years. There's a number of different ways you can go. Each system is different, has different requirements, and we're feeling our way along in this thing and developing something that is suitable for us.

**Mr. Gilbert:** There are a number of information systems that are being developed in Ottawa, for instance, and in Windsor, and when we have the transit vote, Mr. Kidman will be here and he could outline to you the types of systems that are being developed.

**Ms. Gigantes:** That would be interesting. Is the technology Canadian?

**Hon. Mr. Snow:** The Toronto Transit Commission system is basically Canadian, but the onboard computers come from Boston.

**Mr. McNab:** One component.

**Hon. Mr. Snow:** The governor of Massachusetts was here and we were demonstrating it to him up at Wilson, and it was pointed out by the TTC that one little mini computer thing that is on the bus is made by some computer company in Massachusetts. It is basically Canadian and was developed by the TTC right here.

**Ms. Gigantes:** I'll ask again then, thank you.

**Mr. Philip:** The major criticism I get about your operation is that people are saying they're not getting enough of it. When that happens, I always suspect you're doing a good job.

One of the things that struck me when you were talking with Mr. Cunningham and his concerns about the Hamilton area and about the popularity of the bus system, is that it seemed to be contradictory to some of the points that I made concerning the views of various municipalities in the Durham East and Durham ridings, in which they are saying that the train, if it were extended at least to Oshawa, would have an appreciable increase in ridership, and that the people are just not inclined to get on a bus and then get on a train after that.

Have you read the opening statements and the minister's reply? Can you add something to that? When are we looking at an extension of the system in the Oshawa area?

**Mr. McNab:** Certainly, we've kept abreast of it and we've been a part of it, and I'm not copping out or anything like this, but you have to understand that our authority, the GO Transit authority or the Toronto Area Transit Operating Authority is charged with the operation of corridors that are designated to be served. From then on, it's our decision.

**Mr. Gilbert** has a study going on now of the extension to Oshawa in all its aspects. We know for a fact, just from ball-park figures, that it's going to be tremendously costly. The costs and the conditions vary from year to year, with the industrial activities and what not in Oshawa and the number of trains using that track beyond where the bypass starts.

The Canadian National Railways has been asked to prepare a reply to a number of things. Could the service be introduced, and if so, how much? Between the ministry and TATO, we're estimating what it would mean in operating costs, in so far as extra equipment and what not are concerned I think we're probably at least a year from having those answers, because we are totally dependent on the input from the railroad.

12:10 p.m.

**Mr. Gilbert:** It is also fair to say that what we are talking about in Hamilton too, which you were stressing, is it was express buses you were operating to Hamilton.

**Mr. McNab:** Yes, and we are operating express buses via Highway 401 to Yorkdale to the subway system. You mention the reluctance of people to transfer, and I know it is there. We all like the comforts of getting on a vehicle and staying on it, but as I see it, as demand for public transit increases and as the cost increases we are going to have to accept transfer points. Our goal is to make those interface points as convenient as possible. The design of our new stations does that. We are attempting to make that interface up on north Yonge Street at the Finch subway much more acceptable.

I just think we are going to be faced with this. Many people in Toronto have to take two transfers and I think we are going to have to accept it.

**Mr. Philip:** It is sometimes four or five if you are trying to go across the top of the city.

**Mr. McNab:** We are going to have to accept it. Without them, we just couldn't stand the cost.

**Mr. Philip:** I guess the difference between the Hamilton situation and the Oshawa situation is that under the Hamilton situation you take the bus and you arrive at your destination, whereas in the Oshawa situation you take the bus and then have to transfer on to a train. Is that correct?

**Hon. Mr. Snow:** In Hamilton, the situation is both. There are buses which go from Hamilton to the Oakville GO station and then the passengers transfer from the bus to the train at Oakville. Some buses go non-stop express right through to the Bay Street terminal. If you happen to live or work at the Bay Street terminal you are at your destination, but our Georgetown and Brampton buses mostly come into the Yorkdale subway station and the passengers transfer on to the TTC, or they come in to the Eglinton subway station and transfer or they come in to the Finch subway station.

It seems senseless to be running all of these big buses downtown at rush hour when they can transfer passengers to the terminals. When the Scarborough light rail line is finished out to the Scarborough Town Centre there will no doubt be some provision made for interface there, where they can get on the east end of the subway.

**Mr. McNab:** We are attempting to eliminate as much as possible the duplication of services.

**Hon. Mr. Snow:** We are trying to eliminate overlapping and competing with other transit systems, because it is not feasible.

**Mr. Philip:** It struck me in the Oshawa case that it was a chicken and egg business. You built this beautiful three-lane highway which is gorgeous to drive on and there is no doubt that it certainly makes my trip to the cottage an awful lot easier. But you built that first, instead of extending the GO system to Oshawa and finding out what kind of reduction in traffic you could create by the rail system.

I don't know if you have done any comparisons of how much you would have saved yourselves on the use of that road, or whether in fact you would still have needed to build that extra lane there, but no doubt you are going to extend that highway all the way to Peterborough or close to it.

**Hon. Mr. Snow:** Extending the widening of Highway 401 is programmed to go to Newcastle, the Newcastle 115-35 interchange.

**Mr. Philip:** Which is not the route to Peterborough.

**Hon. Mr. Snow:** Right. There is no widening on Highway 401 scheduled to go east of the Highway 115 interchange.

**Mr. Philip:** The traffic between there and Highway 45 is not all that heavy.

**Mr. Gilbert:** The traffic certainly is there now from the point of view of the rail. Certainly the widening of Highway 401 is still very much needed. The impact on it would not be sufficient, because already with the bus service it is hauling a good many of these.

**Mr. Philip:** I am certain the beautiful new highway would be an encouragement to a number of people to use their cars rather than the GO system. If you had got them to use the GO system first they might have played with it, but I don't know how you say one off against the other.

The one thing I am interested in, though, is this whole integration of the Toronto Transit Commission and GO Transit. You will recall a few years ago I suggested to you that a one-fare kind of system would be useful. I gather from the minister's opening statement and comments that is being contemplated now. I brought to your attention the need for it in Rexdale, where people would be more inclined to use the bus if they got a free ticket on the bus in exchange for using the GO system, rather than use the parking facilities and take the TTC.

**Hon. Mr. Snow:** Let me just explain. Our first step into the integrated fare was an experiment we started last year in Brampton with Brampton Transit. There was a very low volume of passengers arriving at the GO station via Brampton Transit, so we worked out an arrangement with Brampton Transit whereby the passenger would deposit his GO train ticket on the bus rather than on the GO train and get a free trip on Brampton Transit.

We pay Brampton Transit 75 per cent of the fare for every one of those tickets. Those passengers are deposited on the paid side of the turnstile when they get to GO Transit. When they deposit their tickets on the bus they go right on to the train and downtown. That works very successfully. The number of passengers arriving by transit increased substantially when we implemented that at a relatively low-volume station.

We have just now agreed with Oakville Transit for an experimental program with Oakville at a high-volume station. It would be a nine-month project with the same type of cost sharing there. I expect it will be as successful in Oakville as it is in Brampton,

but we want to get the experience there and we will no doubt be getting requests from other communities as well.

**Mr. Philip:** It will certainly be welcome in Rexdale.

**Hon. Mr. Snow:** The next thing I would like to see us do I think would have to be on a monthly pass basis. We have talked to the TTC, but the TTC is just in the process of getting its monthly pass system implemented in Toronto now. It is saying to us, "Let us get that under our belts and get some experience with the monthly pass in Toronto before we go any further." I would like to see a monthly pass.

When this system goes in at Oakville it will also work for the passholders. The people who buy the monthly pass on GO from Oakville to Toronto will be able to show their passes when they get on the bus and again ride free to the Oakville station and go right on to Toronto.

I would like to see us come up with a joint GO Transit-TTC pass. It is not going to be free at this end; we are not going to give away a \$26 pass with a \$50 GO ticket, sort of thing. We would have some kind of arrangement where a passenger could have a joint pass and if this integrated fare at the outer ends, such as Brampton and Oakville and Mississauga and so on, works out he could show his pass to ride the bus to the GO train and then in the city he could use that pass to go on the subway or wherever he wanted to go. The TTC isn't just ready yet to sit down with us and come up with some agreement. They want to get more experience on the pass system in their own system first, which I think is understandable.

**Mr. Philip:** In terms of servicing my constituents, we are talking about at least a year and a half before anything is likely to take place in the northwest.

**Hon. Mr. Snow:** I don't know how we would work within Metro. You are talking about having free transfers between the TTC and Metro.

**Mr. Leach:** It will when we develop the TTC-GO Transit pass. You could use it on either system.

**Mr. Philip:** Would the GO pass be so prohibitive in cost, because your cost per passenger-mile is an awful lot higher than the TTC? Could you not have a restricted pass that would say it was only valid from point A to point B on the GO system and valid anywhere on the TTC?

**Mr. Leach:** That is the way it would be.  
12:20 p.m.



**Hon. Mr. Snow:** The passes on the GO system are restricted. They are on a mileage basis. It costs more for a pass from Georgetown than it does from Brampton or Malton.

**Mr. McNab:** I would like to correct one thing when you say ours is much more expensive. When you relate it to the average trip the TTC rider takes compared to what the GO Transit rider takes, it is very close.

**Hon. Mr. Snow:** On a per mile basis.

**Mr. McNab:** That is right. I think the average TTC ride is six miles and ours is somewhere in the general area of 16 to 20 miles, and we can only sell our seat once.

**Mr. Philip:** The difference comes in terms of subsidy. I believe the provincial government subsidizes GO Transit to the tune of 96 or 97 cents per passenger trip compared to something like 12 cents on the TTC. What are the comparisons? I can't remember the figures.

**Hon. Mr. Snow:** Our target revenue ratio on the GO operation is to get 65 per cent of our operating cost from the rider, which compares to 70 per cent which is Metro's target ratio. We have a continuous problem of trying to meet that because costs have been going up substantially, especially our cost with the railways. There is a new contract with CNR for operating the services. We don't have too much control over it.

**Mr. Philip:** Years ago I used to be really very concerned about the way in which you were subsidizing per passenger a lot more on the GO system than on the TTC. Then I watched things happen in Toronto in the past five or six or seven years. What is happening is that the rich people, or the people who can afford to, are moving into the downtown areas. They are the ones who are getting greater use of the TTC. The people who can't afford to live downtown are often moving into the suburbs where they can buy a town home or an apartment for under \$45,000. Whereas in the past you may have been subsidizing the rich, it may be turning around now and you may be subsidizing the middle class. Things sometimes work out if you do nothing.

**Hon. Mr. Snow:** We don't ask for a Dun and Bradstreet report when they get on the bus.

**Mr. Philip:** There are some people with fairly good amounts of income, such as me, who use your system as well.

**Hon. Mr. Snow:** If you want to kick in extra, then all donations will be gratefully received.

**Mr. Philip:** I have told the minister that I am even willing to contribute to him personally the next time he flies to Florida in his plane. I am willing to go with him, providing it is during the winter. I trust my life in his hands, but he still hasn't come up with an offer.

**Hon. Mr. Snow:** The federal government changed the act. Now you can contribute to the cost without making it illegal for me.

**Mr. Philip:** It is probably because he is so wealthy that he is not willing to put up with my company for that extra trip in exchange for the additional revenue he will get from me.

**Hon. Mr. Snow:** When I leave this place I want to get away from people like you. I don't want to take you with me. You would be asking me questions all the way to Florida and back.

**Mr. Philip:** I never ask you any question unless I get you on the record. Otherwise the answers can change and I have no way of dealing with it.

**Mr. Cureatz:** Unfortunately, being the chairman of the committee on general government, I had a rather controversial issue to deal with, so I could not be here at the start of the comments on GO Transit and the like.

**Mr. McNab:** I have a couple of specific questions. First of all, I notice that the Pickering station is going to be opened up rather soon, which I think is a welcome addition. I am wondering if the authority has ever looked at the general problem of the Pickering station. I am thinking of parking and accessibility to that parking. I wrote to the minister a year or so ago, and to the member in that area, George Ashe. It seemed to me the north parking lot, getting in or off Liverpool Road—are you familiar with that area?

**Hon. Mr. Snow:** Oh yes.

**Mr. Cureatz:** Where the bridge goes over Highway 401, is extremely dangerous. People who are trying to leave that parking lot, they are trying to make a left-hand turn go south on Liverpool, there is a rise—the bridge that comes over the railway track there and you can't see cars coming up over the rise. On the right you are trying to see traffic that is coming southbound from the north end and there is another rise of the bridge over 401. I am sure it would be extremely costly to renovate that area, but with

the increasing demand on GO Transit and certainly with the expansion of the parking lot—

**Hon. Mr. Snow:** We've expanded the parking lot a lot there, haven't we? There are a lot of additional cars—

**Mr. Cureatz:** That's exactly what I am saying, and I think that is great to see.

**Hon. Mr. Snow:** Part of the access there is the conjunction of GO Transit with that partial cloverleaf. I think the answer there is when the new White's Road cloverleaf is built, that will—

**Mr. Cureatz:** I am not familiar with White's Road. Where is that?

**Hon. Mr. Snow:** That's a new interchange to be built just west of Liverpool Road. That Liverpool partial cloverleaf was put in there as a temporary measure. It's always been, I think, understood that when the Brock Street interchange was improved, which has been done, and the new White's Road interchange is built, and it's in the planning stage right now, the Liverpool Road ramp will be closed. I will no longer be necessary because they are going to have another brand new interchange just half a mile, or whatever it is, down the road. That will improve the access.

**Mr. Cureatz:** Certainly that would alleviate problems with the cars travelling eastbound and taking the Liverpool ramp off to go on Liverpool Road south, but there still is that problem of the two rises on the bridge.

**Hon. Mr. Snow:** Has the access been singled in the new lot or is it still the same?

**Mr. Leach:** It's still the same but we have added Durham region to provide police point duties there.

**Mr. McNab:** The situation we have that has been of concern for 25 or 30 years down there is the proximity of, first of all, the 401 to the railroad tracks. Our stations have to be adjacent to the railroad tracks, so you are going to have these traffic problems.

**Mr. Cureatz:** I admit that, but it would seem the safety factor could be improved somewhat.

**Mr. McNab:** We have looked into it. There have been a number of suggestions of possibly moving the station, but you just can't move away from the problem.

**Mr. Cureatz:** No, I appreciate that.

**Mr. McNab:** That's about the only thing that we feel. As the minister pointed out, the problems would be greatly reduced if those lanes at Liverpool Road—it has been a long standing understanding as I recall—

**Mr. Cureatz:** When is the anticipated date of the new interchange?

**Hon. Mr. Snow:** I am not sure when White's Road—

**Mr. Cureatz:** One year, five years?

**Mr. Gilbert:** We don't have it here.

**Mr. Cureatz:** If it's within a reasonable length of time, I could appreciate waiting to see if that would alleviate the problem.

**Hon. Mr. Snow:** It's getting closer every year.

**Mr. Cureatz:** But if it's an unreasonable length of time, and not in the fullness of time that we often hear from the various cabinet ministers—

**Mr. Gilbert:** There are still lots of problems to be resolved in relocating it as well.

**Mr. Cureatz:** I want it put on record that, generally speaking, I am still a little displeased about the safety factor in regard to that north parking lot and getting out of the parking lot. In regard to the study of the authority on GO Transit expansion east of Pickering, have you had the opportunity to receive the report yet or is it still in its formulation stage?

**Hon. Mr. Snow:** No, we haven't received it yet. Mr. McNab just said it would be about a year before—we have to do a lot of work with the railroads and we have to wait for the railroads to come up with the information.

**Mr. McNab:** They have to project the business they will be doing in the future, the number of trains they will be using, the service tracks, the services they are going to provide in there. That's the main line, of course, and all the traffic coming from Montreal is going to affect that.

12:30 p.m.

I am not saying this is their excuse. It's their rationalization for taking such a long time to study it before they can come up with whether they can put the service in. The trackage, the type of plant changes and the cost which we know is going to be tremendous—we will have to have all that material. When I say we, I should be making more reference to Mr. Gilbert. When they get all this material in, they have to assess its financial viability.

**Mr. Cureatz:** I understood Dr. Soberman was doing a report.

**Mr. Gilbert:** The costs, as Mr. McNab says, have to come from the railroad.

**Hon. Mr. Snow:** Dr. Soberman is doing the study for us, updating his previous study.

A lot of the input to his study has to come from the railroads. Only the CNR can provide it. We have to pay them their engineering costs, staff costs and computer time to get this information.

**Mr. Cureatz:** So you are saying the Soberman report in regard to the possible expansion east of Pickering is not going to be available for another year?

**Mr. Leach:** The Soberman report will be completed within the new few months. It indicates the rail lines that have the potential for further expansion. There's a number of them besides the extension to Oshawa. Once that determination is made we have to go to the railways and ask for detailed estimates and cost of what would be involved and whether it is practical, from their traffic standpoint, to increase the number of trains on any given line.

The Soberman report has reached the stage that we have taken the next step, before his report is out in public, of going to the railways at this time and saying, "Based on preliminary information in the Soberman report, we would like you to do a feasibility study on the extension to Oshawa." We have also asked Durham region to do the same on predictions for passenger demands and so forth on that route.

**Mr. Cureatz:** It is my understanding the authority has made presentations to the region of Durham in regard to the cost of expansion of the GO system east to Pickering. Or are you planning on making presentations?

**Mr. Leach:** There is a meeting set up in the latter part of June with the Durham regional council to discuss the project. It wouldn't be a presentation in detail of the project.

**Mr. Cureatz:** There has been some thought about the widening of Highway 401. I won't be much longer, Mr. Chairman. In terms of the increasing escalation of gasoline prices and what not, we should be thinking in terms of extension of the GO Transit system. Mrs. Scrivener's committee is to take a look at all rail facilities and certainly electrification. That is the way to go. It's curious to me in my investigations to find that back in 1912 Sir Adam Beck had an electric railway system from Toronto to Bowmanville, of all places. That was done away with. It's nice to see we are going back especially in light of our excess capacity in electrification.

Notwithstanding whether we have electricity or not in GO trains, I think GO trains are going to be one of the solutions to allevi-

ate the traffic problems. We have had an excessive number of traffic accidents and deaths, not only on Highway 401 but also further east on Highways 115 and 35.

As gas prices go up, I think more people are going to be thinking, in terms of the GO transit system. Well over a year ago, I first approached the minister about the possibility of expansion of the GO system. At that time, he indicated to me the cost was prohibitive but they were thinking in terms of a study. It's nice to see a study is being done. We are sorry it appears to be lagging behind.

**Mr. Gilbert:** I don't think it's lagging behind. As Mr. Leach stated, a lot of the detailed cost information we have in advance, knowing the Soberman study is going on without waiting for it to be actually completed. We have asked the CNR to start working on that. I don't think you could say the study is lagging behind but, as has been mentioned, it takes time for the CNR to produce costs—and I am not being critical of them here. I think you will agree we have to know what we are getting into these days before we start attempting to make any type of a statement or decision as to what we should or shouldn't do.

**Mr. Cureatz:** I am appreciative of that. I just wanted to finish by saying I am in favour of the expansion, but certainly I will give you the option that you had better take a look at the cost frame to see what the breakeven point is eventually in regard to expansion.

**Mr. G. I. Miller:** Just for clarification, can you buy a GO Transit pass from Hamilton to use on Toronto transit? I don't know whether that was clearly pointed out or not.

**Hon. Mr. Snow:** A monthly pass on GO from Hamilton, yes.

**Mr. G. I. Miller:** Can it be utilized on the TTC too?

**Hon. Mr. Snow:** No. We have monthly passes on GO. I was trying to explain that we hoped to have an integrated pass that would cover the GO ride from Hamilton to Toronto, plus the use of the TTC when you get here.

**Mr. G. I. Miller:** I don't know if I have missed it or not, but are you planning to extend the GO rail system into Hamilton?

**Hon. Mr. Snow:** The GO rail system is in Hamilton now—two trips a day.

**Mr. G. I. Miller:** How long has it been like that?



Hon. Mr. Snow: For 13 years.

Mr. G. I. Miller: So there really hasn't been any improved service on the GO system?

Hon. Mr. Snow: Oh, there has been tremendously improved service by using buses, which is much more economical and, as we explained, this seems to be preferred by the people who are riding them rather than the trains because there are more people riding the buses than the trains, with both leaving at the same time.

Mr. G. I. Miller: Is the GO system being fully utilized on these trips?

Hon. Mr. Snow: No, not in Hamilton by any means.

Mr. G. I. Miller: Maybe it is because of the station service which is not as convenient. It is a long slide down those stairs.

Hon. Mr. Snow: I don't know about the long slide down the stairs.

Mr. G. I. Miller: It is not a very modern station, though I think it may be a good location. I have used it when we were formerly provided with a pass by CNR and CP. I used it once in a while, but I haven't used it since that time.

Hon. Mr. Snow: Since you have to pay you don't use it.

Mr. G. I. Miller: I think it is just the inconvenience. I would rather drive the car rather than hassle with paying the ticket and so on.

Vote 2605, agreed to.

Mr. Chairman: We will revert to vote 2604 tomorrow.

The committee adjourned at 12:35 p.m.

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**From the Ministry of Transportation and Communications:**

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No. R-15

# Legislature of Ontario Debates

## Official Report (Hansard)

**Standing Committee on Resources Development**  
Estimates, Ministry of Transportation and Communications



**Fourth Session, 31st Parliament**  
Thursday, May 15, 1980

Speaker: Honourable John E. Stokes  
Clerk: Roderick Lewis, QC



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# LEGISLATURE OF ONTARIO

## STANDING COMMITTEE ON RESOURCES DEVELOPMENT

THURSDAY, MAY 15, 1980

The committee met at 8:06 p.m. in committee room No. 1.

### ESTIMATES, MINISTRY OF TRANSPORTATION AND COMMUNICATIONS (continued)

On vote 2604, provincial roads program:

**Mr. Chairman:** I see all parties are represented by members. Mr. Di Santo, I promised you on vote 2604, provincial roads program, that you would be honoured as the first speaker.

**Mr. Di Santo:** Mr. Chairman, that is very kind of you.

I attended the last two sessions of the committee and I would like to raise an issue we have already raised several times with the minister. It may be a minor issue in this vote, but it is very important to the residents of my riding. It is the matter of noise barriers.

I first raised this problem with the minister in 1976. After that time, there was a study done by the ministry and the results were published in 1977. Last year there was a post-benefit study done by the ministry. A list of priorities of the sites that the minister thinks require noise barriers was established. The area I am talking about is from Dufferin Street west to Jane Street.

On December 6 the minister announced that the north side of Highway 401 was being considered for the present budget. He wrote a letter to me on December 5, in which he said that part of Highway 401 on the north side had been included in the present program. I wrote back to the minister, noting that the south side of Highway 401 is as bad as the north side. I hope someone from the ministry could enlighten me about this. From the benefit-cost study, it comes out that the south side of Highway 401, east of Jane Street, ranks very high in the priority list; in fact, it is fifth.

The noise level is 70.7 decibels; the attenuation is 7.4 decibels; the benefit-cost is 0.1, which is one of the highest of all. The north side of Highway 401, which has been

chosen for the present budget, ranks 20th east of Keele Street and 25th west of Dufferin Street.

8:10 p.m.

What really puzzled me is that east of Jane Street on the north side ranked 71st. The noise level is 72.6 decibels, but the attenuation is only 3.7 decibels and the benefit-cost is 14.6.

The Minister of Transportation and Communications wrote to me in reply to my letter dated January 30, 1980, regarding his announcement, and I quote from his letter dated February 28, 1980: "The site on the south side of Highway 401 did not rank nearly as high in terms of our benefit-cost analysis and was therefore not included for construction at this time."

I think from the benefit-cost study done by the Ministry of Transportation and Communications, the south side east of Jane Street ranks very high, because the benefit-cost is 60.1 and the attenuation is remarkable; it is 7.4 decibels. The east side of Keele Street ranks lower; in fact it is 55th. The attenuation is 5.3 decibels and the benefit-cost 19.5. But then again, I want to point out that for the site chosen by the ministry, which ranks 71st, the attenuation is only 3.7 decibels and the benefit-cost is 14.6.

**Mr. Philip:** I hope you'll remember all those figures.

**Hon. Mr. Snow:** I've got them all in my computer.

**Mr. Di Santo:** I hope the minister will give very serious consideration to these figures. I remember that last April the minister set the ideal noise level for housing areas along highways at 55 decibels. All the sites I mentioned south of Highway 401 have noise levels of 70.3 decibels and 70.7 decibels.

I also should bring to the minister's attention that it is not only the noise; there are also the fumes, the dust, the dirt and the salt spray. The salt spray in the area east of Keele Street is a very serious problem; in fact, there is no vegetation at all

in the backyards because of the salt that is sprayed from Highway 401 in the winter.

I also had some reports that the total budget was not spent last year. The minister, perhaps inadvertently, in the letter he wrote to me on December 15, 1979, in which he announced the construction of the barriers on the north side of Highway 401, said that the actual timing will depend on completion of design. As the minister will remember, when people complained last September in Mississauga, there was an allegation that the \$2.3 million was not spent because the ministry had not been able to complete the schedule and the design.

I was at a meeting last week and the residents of the area are really upset, for two reasons. One, because they have this problem, which has been there since the construction of Highway 401; and because they know that the north side has been chosen for construction of noise barriers this year and the south side has not been chosen.

The noise level on the south side is very high; it ranks very high in the study done by the ministry. What prevents the minister from choosing the south side for immediate erection of noise barriers?

**Hon. Mr. Snow:** Would you like to cancel the projects that are planned for the north side?

**Mr. Di Santo:** I would like to have both.

**Hon. Mr. Snow:** Isn't that nice.

**Mr. Di Santo:** Without being facetious, I think—

**Hon. Mr. Snow:** I'm not being facetious at all.

**Mr. Di Santo:** If we recognize there is a problem, and I understand there are budgetary implications—

**Hon. Mr. Snow:** No, you don't; you don't recognize anything.

**Mr. Di Santo:** I do recognize that. In fact, I asked you if the report that was published on September 1, 1979, that the ministry has not been able to spend the \$2.3 million—

**Hon. Mr. Snow:** That is not right. I don't know where you got that information.

**Mr. Di Santo:** In the Globe and Mail of September—

**Hon. Mr. Snow:** The Globe and Mail is not my budget, with all due respect.

**Mr. Di Santo:** I asked you a question; I didn't make any allegation, because I don't know the facts.

**Hon. Mr. Snow:** Yes, you did. You stated what you thought were facts.

**Mr. Di Santo:** No. I said there was a report in the Globe and Mail which alleged—

**Hon. Mr. Snow:** No, you didn't say that all. You just said that now.

**Mr. Di Santo:** You can check the record but I will rephrase it for you, since I want to make it easier for you.

**Hon. Mr. Snow:** Don't worry about me. I'll look after myself.

**Mr. Di Santo:** The Globe and Mail said and I quote: "The ministry's budget for noise barriers for this year alone was \$2.3 million which it will not spend completely because it has not begun all the scheduled projects."

I don't know what the situation is. I hope you can enlighten me. The point I was trying to make is not that I don't want the noise barriers on the north side of Highway 401. I am saying that if this report is true and if you recognize there is a problem, the south side of Highway 401, the area I am talking about, ranks very high in your own study; in fact, it is fifth in the list of priorities. I would like you to take this request into consideration.

**Hon. Mr. Snow:** Your request is fine for the south side, but for you to come up with this kind of malarkey that says we have not spent our budget—

**Mr. Warner:** He didn't say that; the Globe and Mail said that.

**Hon. Mr. Snow:** Yes, he did; he said it. He quoted the Globe and Mail secondly. Previously—I was listening very carefully—I said we had not spent our budget. I have to tell you we have overspent our budget for noise barriers every year since the program was implemented. I'm sure of that; I have got the exact figures, but I'm sure of that.

**Mr. Warner:** Then the Globe and Mail was wrong.

**Mr. Philip:** Supplementary—

**Hon. Mr. Snow:** Let me answer the question before you get a supplementary.

We have been working very much on two major arteries in Ontario in building noise barriers. One is Highway 401 across Metro; the other is the Ottawa Queensway. We have been building noise barriers on both Highway 401 and the Ottawa Queensway.

The program I put forward a few years ago—I can't remember the exact date but I would guess it was about four years ago—was that we would spend \$1 million per year on our retrofit program. That \$1 million a year, I can tell you, has been overspent every year since that time. That does not



clude the noise barriers we have built in Oshawa which are part of a new construction project.

3:20 p.m.

We made the commitment when we announced the program that we would have three types of noise barrier programs. First was the retrofit program to go back and build noise barriers where the highway already was in existence and where there were high noise levels. The second part of the program was that in new widenings we would build the noise barriers as part of the construction contract so they wouldn't be adding to the retrofit program. The third phase was that where new housing developments were built adjacent to freeways, there would be, through the Ministry of Housing, a requirement that the developer build the noise barriers as part of his development. Those were the three phases of our program. They have built noise barriers in 1977, 1978 and 1979. I don't have them broken down exactly, but we have a program established for 1980. There have been contracts awarded recently. I signed contracts just the other day, for instance, for noise barriers at the Ottawa Queensway. We have three sites programmed for 1980 construction in our area—sites five, eight and nine, which are all on the north side of 401.

**Mr. Di Santo:** Are you taking those from the priority list?

**Hon. Mr. Snow:** Yes.

**Mr. Di Santo:** Those are on the south side.

**Hon. Mr. Snow:** Okay, I'm sorry. The site numbers that I have on two different sheets don't coincide. I have priority numbers and site numbers.

**Mr. Di Santo:** Okay.

**Hon. Mr. Snow:** You have the sheet the same as I have, but they are—

**Mr. Di Santo:** These are the jobs.

**Hon. Mr. Snow:** There are three site numbers. Site 401-8 is Keele Street easterly, north side; priority number 20. Site 401-9 is Dufferin Street westerly, north side; priority number 25. Site 401-5 is Jane Street easterly, north side; priority 71. Those three projects are scheduled and programmed for 1980 construction.

There is one additional site, 401-7, Keele Street easterly, south side, which is priority 5 and that is now scheduled for the 1981 program. There is one remaining site, 401-6, west of Jane Street, south side, and that is priority five that you are talking about. That noise barrier project will be combined with a construction project that has to be carried

out before it can be done, and that will be added to a 401 widening project that is now under consideration by the ministry.

**Mr. Di Santo:** Okay. Then if I understand correctly, the priority 55 would be in the 1981 budget.

**Hon. Mr. Snow:** Right. That's Keele Street easterly, south side.

**Mr. Di Santo:** Then there is a remaining tract, which is priority five, which you said cannot be considered because of construction problems.

**Hon. Mr. Snow:** I did not say it cannot be considered because of construction problems. Please don't misquote me. I said it would be part of a construction project.

**Mr. Di Santo:** Can you elaborate, please?

**Mr. Gilbert:** We are going to be doing work other than the noise barrier in that area. As the minister said, any jobs that can be combined with a construction program, they would be combined with it. That's the case in this priority five. There is other construction work that is going on in the area, and it will be scheduled as part and parcel of that job. That is in line with what we said we would do when we first announced the program.

**Hon. Mr. Snow:** That is just like the situation in Oshawa where we are doing construction and widening. We did the noise barriers as part of the construction contract.

**Mr. Di Santo:** I understand. I was asking what kind of construction you were talking about. I have one last question—

**Mr. Gilbert:** It's part of the modification of the basket weave at that location.

**Mr. Di Santo:** Would that be considered in the next budget?

**Mr. Gilbert:** Apparently it's under design right now, Mr. Di Santo, and we will schedule it once we get the design completed on it. But the noise barrier will be part and parcel of that construction. We haven't got a date on it at this time. As soon as we get the design and get it scheduled, then we would go ahead with that kind of thing.

**Mr. Di Santo:** I hope that it will be considered for 1981, because it's a very bad area. The fact that it ranks five in terms of priority means it's really bad. It's one of the worst areas.

**Mr. Gilbert:** We are not arguing that point. Going back to what we said, at the beginning, though, any time there is other work to go on, then we schedule it with the other work. We are not arguing the value of that

noise barrier. But right now I can tell you that with it under design, it won't be in 1980. The earliest it would be is something like—

**Mr. Di Santo:** Will it be 1981?

**Mr. Gilbert:** I don't know. We would have to see how the design goes.

**Mr. Di Santo:** I can only encourage you to do the proper preparatory work as soon as possible.

**Hon. Mr. Snow:** It would be unrealistic, Mr. Di Santo, to go ahead. Even though it is priority five on our list, the reason that it has not been proceeded with earlier is that construction work has to take place in that area—certain widenings and changing of the ramps to improve the traffic flow through that area. If we were to go ahead and build the noise barrier in the order of the priorities that we have listed, then it probably would end up being torn down the year after it was built and having to be rebuilt again. I am sure you wouldn't want that to happen.

**Mr. Di Santo:** I understand that Mr. Minister. But in absence of any knowledge of the works that your ministry is undertaking in that area, I was surprised to see that only the north side had been chosen and the south side had not been chosen.

**Hon. Mr. Snow:** There are several reasons for that. One, as I mentioned, is the funding. We have a certain amount of money that we designate for noise barriers each year. Our study includes the Ottawa Queensway, it includes Highway 401, it includes Highway 427, and despite priorities we have decided that we want to complete the noise barrier program on 401 before we move off. That decision has already been made. We decided on that rather than start jumping off to Highway 427 where there are three or four locations—four, if I remember rightly—that are of reasonably high priority.

There are dozens of locations on the Queen Elizabeth Way that rank very high. But rather than start jumping down to the QEW and building a quarter of a mile someplace and leaving Highway 401, we have been working on the 401. We want to complete that project before we move off it. But site 401-6 has to wait until the widening and the construction program is established. Then I can assure you it will be done as part of the construction contract.

8:30 p.m.

**Mr. Philip:** It must be possible to build into your computer analysis the other construction that is projected in this instance and then come up with some kind of a meaningful list. All this gives us is a series of priori-

ties without the additional information we need in order to have some idea of scheduling. If you were to provide us with that information, then we wouldn't have had to spend all this time asking these kinds of questions and dragging information out of you about the reasons why a priority five passed over in terms of priority 20, or some other thing like this. It would be a lot more meaningful information than what you have provided to us.

**Mr. Gilbert:** Going back to last year, when you asked for this information, you were asking for the work that we had done in coming up with a rating on the various locations. Certainly there was no suggestion at that time that we would be including the areas that were part and parcel of other work.

Of course, as we developed that program, if we saw that we had other work to do, then we had to hold it off for that. We have been attempting to work to this as much as possible, keeping in mind that it would be scheduled with any other construction that may have to take place.

Ramp improvements and other work like that is going on all the time, as you know, along Highway 401. It is an ongoing thing. Any locations for safety improvements, for any improvement in traffic congestion and what have you, are picked out on an ongoing basis.

**Mr. Philip:** But you are able to project a couple of years in advance what other construction you are planning on doing, are you not?

**Hon. Mr. Snow:** That is exactly why this noise barrier has not gone ahead, although it ranks higher than others on the noise barrier analysis. The construction branch or the people dealing with the modifications to the actual traffic lanes have indicated there going to be construction taking place in the area; so the noise barriers should be delayed and included as part of the construction.

**Mr. Philip:** I recognize that, because you gave that information earlier.

**Hon. Mr. Snow:** That doesn't necessarily change the priorities from a straight noise barrier standpoint at all.

**Mr. Philip:** I also recognize that. What I am saying is that it would be more meaningful to us if we had some of those other construction projections with a rough timetable for each year, depending on the budget that in effect, of what goes ahead and what doesn't go ahead, so we would have some rough idea. My constituents are not affected in the same way that Mr. Di Santo's are by

f he had that when he goes to his constituents and they say, "When are we going to get noise barriers here?" he could say: Here are some of the problems; here are some of the difficulties the ministry is in. If we construct it now, it is a waste of the taxpayers' money because you are going to have more noise, more pollution, more construction, and then it has to be reconstructed." People will accept that kind of rationale if we have that kind of information. Instead, what it means is he has to come to estimates and get that kind of information out of you. It could easily be tabled here.

**Mr. Gilbert:** As I say, Mr. Philip, last year when we discussed this, as I recall, Mr. Di Santo asked us for a copy of our ratings; so that is what we supplied him.

**Mr. Philip:** I appreciate that. I am just saying the additional information would make it easier, and it would be to your benefit.

**Mr. Gilbert:** He is at liberty to come in any time, as well.

**Mr. Di Santo:** I just want to add, Mr. Minister, that I was at the meeting last week, and of course the residents didn't have all the information that you gave tonight, and they said, "Perhaps the employees of the ministry decided not to fight because their offices are there, and they are there only eight hours a day."

**Hon. Mr. Snow:** We are parishioners, as well, Mr. Di Santo. There are no noise barriers being built at the offices, are there?

**Mr. Gilbert:** No.

**Hon. Mr. Snow:** First of all, I would like to say that we don't build noise barriers for offices, or for commercial, industrial, recreational areas. The noise barriers are built only where there are residential areas.

**Mr. Haggerty:** Mr. Chairman, I want to bring something to the attention of the minister that I feel is a grave injustice done to a person who owns property along Highway 3. I make reference to Mr. Louis LeJeune and project 204-59-01. I suppose "59" means it would go back to 1959 or the early 1960s.

For the reconstruction of Highway 3 to four lanes, the Ministry of Transportation and Communications purchased land on both sides of the right of way of Highway 3. In this particular instance, the land was bought up to a certain area of Mr. LeJeune's property. When it came to his buildings—that is, his residence and garage—there was a settlement, you might say. If you look at the site line along the southerly part of Highway 3, you will find that site line goes through part of his residence, then severs his garage—

which was a service station at one time; he is a mechanic—almost in two and another building.

The property dispute has never been settled. There has been bargaining over the years, and I think in 1975 or 1976 they were almost close to a settlement. Mr. LeJeune was agreeable to a settlement, and he said, "I will have my grandson"—who happened to be a lawyer—"look into it to see that everything is going to be right." The minute that was mentioned, for some unknown reason, the right of way office, the staff who were there, and I think it was Mr. Cornelius, seemed to back right off. It has been almost 20 years, and this property dispute has never been settled. He has never been paid for the property that was taken by MTC.

Originally, when they first went in there to construct on the new right of way, one building was bulldozed over. I think at that time he did have a court injunction against the contractor and MTC. Of course, that is why there is that step offset in the right of way.

I feel this has gone on long enough. I don't know what has happened in the last two or three years, but I did get a call from the elderly gentleman the other day saying: "I haven't heard any more about it. My grandson hasn't called me on it. And I haven't heard anything more from Mr. Cornelius." I don't know if he is in the right of way office or not. I suggest to the minister that this is a long-standing grievance, and I feel it is time it was settled and brought to a head.

**Hon. Mr. Snow:** I don't know why there would be any reason for the ministry to back off, and I assure you there is no reason for anybody to back off because a grandson or any other kind of son who was involved is a lawyer. When we are dealing with property owners on the acquisition of property, it is only normal that they have a lawyer representing them. In most cases the lawyer is representing the client; so I am sure that would have nothing to do with it.

**Mr. Haggerty:** He had a garage there and it did put him out of business. That picture shows you how close it is to the travelled portion of the highway. When they go by with a snowplough it pushes snow right on to his front porch, right up against the garage and buildings there. He can't make any use of it at all. He can't even back out on to the road. You have actually destroyed his business.

**Mr. Gilbert:** I am not saying this happened in this case, but sometimes after trying to negotiate a settlement it is left to the property



owner to either go to the Land Compensation Board or board of negotiations. The file is set aside until that happens. We wouldn't take it to the Land Compensation Board. I don't know whether that happened here.

As the minister says, our property agent would not back away because of a lawyer; at least it would be very unlikely, because they are dealing with lawyers all the time. All I can say is we will look into this and see, but I would imagine the file has been set aside waiting for some action on it.

8:40 p.m.

**Mr. Haggerty:** I have a file on it. I don't want to spend the time of the committee on it, but if I went into this you would find out the reason why. Every time they seem to come to a settlement, a different property agent goes out and then they have to start all over again. That is what he says all the way through this file. There is no doubt that he has a determined mind too, like many other persons. I suggest that 20 years is long overdue. It is an injustice done to him. Either he should have moved quicker or MTC should have been moving in that direction to get it settled.

**Hon. Mr. Snow:** We can have the property department review it again, but it is not unusual in the widening of a highway like that and the widening of the right of way to have a step in the alignment of the right of way to accommodate an existing building.

**Mr. Haggerty:** I am sure if you were living there you wouldn't want to have it done that way.

**Hon. Mr. Snow:** Let's take the site of the actual travelled portion of the road. How much closer does that move it?

**Mr. Haggerty:** It puts it about four feet from his front door.

**Hon. Mr. Snow:** I am not asking you that question. How much different is that from the original right of way, the original road?

**Mr. Haggerty:** I suppose you are looking at about 25 or 30 feet before that.

**Hon. Mr. Snow:** Did we widen the road?

**Mr. Haggerty:** Considerably.

**Hon. Mr. Snow:** I mean the actual asphalt. Highway 3, as I remember, was widened from 20 to 24 feet.

**Mr. Haggerty:** There are four lanes and then there is the portion on the side.

**Hon. Mr. Snow:** I am remembering the other section.

**Mr. Haggerty:** You are thinking of the section up around Cayuga and Wainfleet.

**Hon. Mr. Snow:** If it is four lanes, then that's different.

**Mr. Haggerty:** This is where the problem is. I would appreciate if somebody higher up could get it settled, because I think it is long overdue.

**Hon. Mr. Snow:** From the sketch that I have been shown here, as you say, if we aligned the road allowance, not the travelled part of the road, through this man's property, it would certainly affect the garage and it looks like the front porch of the house as well.

**Mr. Haggerty:** It is an enclosed front porch, and they almost put it right in there. The sale damage alone to the building is very extensive.

**Hon. Mr. Snow:** There are provisions for settling these things. It is laid down in the legislation that was passed by you and me and all the rest of us who sit in the big chamber over there for the board of negotiation and the Land Compensation Board to settle these kinds of claims where we can't agree on a price.

**Mr. Haggerty:** I don't think I have any thing in that file from Mr. Cornelius suggesting that. I could be wrong but I don't think I can recall it. I won't take any more of your time but I thought it was rather important.

**Hon. Mr. Snow:** We will have to look into it. In some cases we would not proceed with expropriation procedures. For us to proceed with an expropriation to actually take land, we have to be able to prove before the hearing officer that we have to have that land. I am talking about the current act.

**Mr. Haggerty:** Under the old act, you could just run in there with a grader or bulldozer and say that is what you want.

**Hon. Mr. Snow:** That act changed in 1968, about the time you and I arrived in this place.

**Mr. Haggerty:** We made the changes.

**Hon. Mr. Snow:** We have to be able to prove the necessity to expropriate land, we can't prove it before a hearing officer there is no use in our applying.

**Mr. Haggerty:** I won't take up any more time in the committee.

**Hon. Mr. Snow:** We will look into it and see what we can do to make your constituents happy.

**Mr. Haggerty:** I am thinking particularly about the overpasses on the Queen Elizabeth Way. At Netherby Road, which I think

regional road 25, MTC has designed the cutoffs there going into the hamlet of Stevensville. I brought to the attention of the ministry that I thought there should be some lighting at this intersection so that one can see where that road is at night-time, because it goes through bush. I will tell you many drivers miss it. On Bowen Road, south of this interchange, it is all lit up. I think Gilmore Road is another one that has lighting at these interchanges. This one, Netherby Road, is used quite a bit to service the industry the area and it is an access to the city of Welland from the east. Something should be done there, because there isn't proper lighting at that intersection at all.

**Hon. Mr. Snow:** I must say I am not familiar with it, but normally all interchanges on the controlled-access highways are supplied with lighting. We have changed our lighting standard on the complete lighting of expressways or freeways. From an economic standpoint and in relation to the conservation of energy, we are not lighting the complete length of highways any more, but we are lighting the intersections. Does anyone have an answer?

**Mr. Gilbert:** You received a letter from us on that, Mr. Haggerty?

**Mr. Haggerty:** That's right, yes.

**Hon. Mr. Snow:** What did the letter say?

**Mr. Haggerty:** It says: "I can't agree there's a hazard there." That's where I have to disagree with you. I think there is. Going north, coming off the road from Fort Erie and taking the regional road west to Welland—it's just as bad on the other side—but on this particular side that I am speaking of, coming from Niagara Falls to Fort Erie, there is a bush there and it's hard to pick that out at night with that black asphalt. There were a couple of lights right there, it would really show up that this was the place to exit.

**Mr. Gilbert:** We will take another look at it.

**Hon. Mr. Snow:** I am sure it was reviewed before I replied to your letter. We do have a warrant system of deciding where lighting, traffic signals and so on are warranted at intersections. We have to have some method of deciding where lighting is needed and where it isn't, because there's no use in us spending a lot of money on lighting where it's not necessary. I know our normal procedure is to light lighting at interchanges but not in between them.

**Mr. Haggerty:** There is something wrong when you travel that portion if you get a good

dark night, and rain makes it even more difficult. So take a look at it.

Another area that perhaps should have some lighting—as you come off the Burlington Skyway going towards Burlington—is on the Queen Elizabeth Way before you make the cutoff to go on Highway 403 to Guelph and Brantford and that area. There's a curve there, and that's really a dark, black part of the road. There's no light whatsoever there.

**Hon. Mr. Snow:** That whole area, Mr. Haggerty, from Highway 20, south of Hamilton—

**Mr. Haggerty:** It's in a bad state of repair.

**Hon. Mr. Snow:** From Highway 20 right through to the Guelph Line, including all that area you are talking about, north of the Burlington Skyway where it interchanges with Highway 403 and the QEW, is all slated for complete reconstruction over the next five years.

**Mr. Haggerty:** There have been a number of serious accidents there. I don't know what causes them.

**Hon. Mr. Snow:** There was a very serious one there—

**Mr. Haggerty:** Just about a week ago—three trucks.

**Hon. Mr. Snow:** Three trucks? I hadn't heard of the third.

**Mr. Haggerty:** I thought there were three trucks when I was there.

**Hon. Mr. Snow:** There were two trucks.

**Mr. Haggerty:** Two trucks?

**Hon. Mr. Snow:** Two trucks. Unfortunately just two days ago there was another accident on the south side of the Burlington Skyway.

**Mr. Haggerty:** Truck drivers again?

**Hon. Mr. Snow:** Two cars in that case, but there were two fatalities, two lives lost. That whole section from Highway 20 through to the Guelph Line, and especially in the earlier stages from Highway 20 through to Highway 403, is all planned for complete reconstruction.

**Mr. Haggerty:** If you are going to start with Highway 20, you should start just west of Fonthill, because that road is one of the poorest provincial highways I have seen and driven over. It's so rough. I imagine you can get a better ride with a tractor out in the fields.

**Hon. Mr. Snow:** That may very well be.

8:50 p.m.

**Mr. Haggerty:** Well, I'll tell you, it's pretty rough in there. I think it's part of a cement

road, and there are so many bumps and ridges that in the winter months it's really treacherous to drive that road. There should be something done if you're going to be spending any money in the peninsula.

**Hon. Mr. Snow:** We have an ongoing program of resurfacing the Queen Elizabeth Way and all those types of highways.

**Mr. Haggerty:** I suppose I could get to the Queen Elizabeth Way too. There are some bad spots that should be resurfaced. In the Fort Erie area, starting at the boundary of Niagara Falls and Fort Erie, there is a stretch of about three or four miles that should be resurfaced. Like Highway 3 now, it has been scratched out by heavy transports; not by studded tires, but by heavy transports. You can just see the asphalt moving out and, the first thing you know, if you're driving in any rain, there are about two or three inches of water on it all the time.

**Hon. Mr. Snow:** I have to doubt that very much.

**Mr. Haggerty:** I'll show you, in places. You don't drive down that way too much.

**Hon. Mr. Snow:** Oh, yes.

**Mr. Ruston:** He flies down.

**Mr. Haggerty:** Anyway, these are some areas I wanted to bring to your attention. It's a problem and I thought you might be able to do something about it.

The other area is Highway 140 from Port Colborne to Welland. I noticed in your long-range perspective for provincial highways, you have an area on Highway 406—I don't know if that's going to be completed or not—from Queen Elizabeth Way to the town line tunnel south of Welland.

I'm sure the minister will recall a meeting we had with the mayor of Port Colborne about 1975. I think it was Mayor John Buscarino at that time, and he was dickering for a tunnel or a third bridge in Port Colborne; so there was agreement at that time, I guess, between the city and the ministry that they would bring Highway 406 to Highway 58B, which would be the tunnel.

I was wondering about Highway 140; some people who had bought property along that road allowance and spent quite a bit of money to purchase land in that area now find that they can't construct anything on it because it's a controlled-access highway.

Since you are only going to go to Highway 58B, I suggest that perhaps consideration should be given to removing that particular area from controlled-access.

**Hon. Mr. Snow:** I would very much—I mean, we have hundreds of miles of con-

trolled-access highways that are not four lanes.

**Mr. Haggerty:** But when you purchase the land for a right of way, or to widen the roads to four lanes or something like that when you designate it as controlled-access should there not be something registered at the registry office?

**Hon. Mr. Snow:** It is.

**Mr. Haggerty:** It is? Then these real estates agents who put the signs up are misleading the buyers. Many of these persons buying land find some of them are severances created by the Ministry of Transportation and Communications and their lots are being sold. And when they purchase three or four or five acres of land, they find out.

**Hon. Mr. Snow:** Is this being created by us?

**Mr. Haggerty:** That's right. When you run a road on an angle, you close off some of the old side roads or the old township roads, and you find there are little corners of properties sitting there. Of course, when you see that, a real estate sign goes up and the first thing you know, there's a buyer to purchase it, but when he applies for a building permit they say, "you can't do this because it's a controlled-access highway."

**Hon. Mr. Snow:** When we designate a highway as controlled-access, it's published, it's advertised and it's registered in the registry office. I don't intend to go out and hold every real estate agent's hand and say, "You've got to be an honest boy and not mislead your clients."

**Mr. Gilbert:** We have reviewed our procedures again just in the last year or so. We're going as far as we can go in attempting to advise everyone when we designate it. As the minister says, it's not only in the registry office; we also publish it. We haven't had too many complaints. Mind you, we don't designate too many highways any more, but we haven't had too many complaints recently since we went through these elaborate procedures to tell people.

**Mr. Haggerty:** In this particular instance though, where you've constructed Highway 140, wherever there is a parcel of land you've put a culvert in and a gate there. I leaves the impression that the person, when he buys it, can put a home there.

**Hon. Mr. Snow:** That may be a farm entrance. There are three or four different kinds of entrances. There's a farm field entrance, there's a residential entrance and there's a commercial entrance.



**Mr. Haggerty:** Then the city has it zoned for commercial development. It's rather misleading when a person purchases the property and finds out he can't build on it. He can't even sell it now.

**Hon. Mr. Snow:** We have this problem quite often when someone has a residential or field entrance and tries to sell the property or to change it to make that a commercial entrance. Of course, on a controlled-access highway, no new entrances are allowed and existing entrances are limited to the purpose for which they are there at that time.

**Mr. W. Newman:** I have a supplementary question, Mr. Minister. If you have a farm entrance and you decide that you're going to have a pick-your-own operation on a certain commodity, is that still a farm entrance or is that a commercial entrance?

**Hon. Mr. Snow:** You're getting very technical. I would say for a pick-your-own operation it's still a farm entrance. If you start setting up a fruit stand or that type of thing, I would think then that would be a commercial entrance.

**Mr. Gilbert:** That requires widening of the entrance.

**Mr. W. Newman:** But if I didn't have to widen the entrance and I built a stand inside my own property line, that would still be a farm entrance, right?

**Hon. Mr. Snow:** It depends on how big the stand is.

**Mr. Ruston:** As long as you sell your own commodities.

**Mr. Gilbert:** I would say, Mr. Newman, that more than likely there would be pressure on the owner to widen the entrance before the staff would start asking him to change. That's what would initiate some action.

**Mr. W. Newman:** What would happen if the owner himself widened the entrance?

**Hon. Mr. Snow:** He has to get a permit to do so.

**Mr. W. Newman:** What if you don't get a permit?

**Mr. Haggerty:** You've got a problem, Bill. I have one other point in dealing with this same topic, the ministry's long-range program. I'm concerned about the development at Nanticoke. They have the huge industrial complex and the Townsend site there. I drive Highway 3 quite a few times and I've talked with my colleague who is the member for that area, Mr. Gordon Miller. We can see there are going to be difficulties in that par-

ticular area with the huge increase of traffic, vehicles, transports and automobiles, and we feel it's going to cause some problems very shortly.

Some of those intersections have stop lights now. When you get a big truck coming through there at a good clip, boy, I tell you, sometimes I wonder if they're going to stop at those intersections. That would be going from Jarvis into that area and out to the Hydro plant, Texaco, and the steel plant. Two new lights have been located in that area and it's going to cause some problems, boy, because I tell you, those lights change, and if you're coming through there at 50—

**Hon. Mr. Snow:** Mr. Haggerty, I don't know of a damned stop light in Ontario that is any different. When it turns red you have to stop.

**Mr. Haggerty:** You'll find there are some grades in there; boy, I'll tell you, they come up on you pretty quick, you know. You're not expecting it that soon.

**Mr. Swart:** You're driving too fast.

**Mr. Haggerty:** No, not too fast, Mel. It's just a road that's got many hidden—

**Hon. Mr. Snow:** What's your answer to having stop lights?

9 p.m.

**Mr. Haggerty:** I thought that when you get a development of that nature there maybe you should have been looking at overpasses. You've got one light there where the railway track crosses the highway and then there is a stop light before that. I think it is going to be a bottleneck before long. If you start moving steel from that plant there to the pipe mills in Welland, it's going to cause some problems.

**Hon. Mr. Snow:** The Nanticoke steel operation is coming into production now and we continue to monitor our entire system. We have 13,000 miles or 20,000 kilometres of provincial highways in Ontario. We monitor the traffic flows on them all. We set our priorities on that basis. If a problem develops at Nanticoke area, we will just have to try, within the limits of our budget, to do something to eliminate the problem or to improve the situation.

**Mr. Haggerty:** I imagine you are going to have a problem there. The other one that is of concern—maybe Mel will recall this a few years ago when we were both on the county roads commission—

**Mr. Swart:** That is a few years ago.

**Mr. Haggerty:** —is that there have been some discussions from around Bismark that

we were going to put a provincial highway in there to come in to the east of Welland to feed the industrial complex there. If you look at that long-range program that you have here on provincial highways, and I am thinking of the area from Cayuga going east to Dunnville, there are some pretty bad curves in that area. That road at one time was designed to come down through Canborough and down through Bismarck that would feed into that particular area.

With this complex coming on stream at Jarvis, it is going to cause some problems with old Highway 3 in that area. I thought perhaps you would have a new road built in there to feed the pipe mills and the steel mills in Welland from Nanticoke. Can any of your ministry people recall? That's going back quite a few years ago. A. D. Margison and Associates Limited made a study of that.

Hon. Mr. Snow: It was in Mitch Hepburn's day, I think.

Mr. Haggerty: I believe it would be 1965, not too long ago. I can see problems cropping up there, and I think you had better take a close look at that particular area there.

Hon. Mr. Snow: That's from Nanticoke to Welland?

Mr. Haggerty: Nanticoke to Dunnville, down through there. The old bridge at Cayuga may not even carry the weight of some of the trucks that would be going through there. It's only a narrow bridge, you know.

Mr. Gilbert: Apparently we had an old design in there that didn't prove adequate.

Hon. Mr. Snow: We get a lot of studies on the Niagara region transportation corridors, and we have had some considerable amount of trouble in getting agreement on anything.

Mr. Haggerty: They have had so many studies there. I think sometimes the studies play right into the hands of the ministry, because it just adds confusion to the whole thing.

They had one of those studies in 1965; then they had the relocation of the Welland Canal, and that threw that study all out. That kind of spoiled everything in there, the network of roads that was planned by the former county of Welland. I think they had an exceptionally good road program.

Hon. Mr. Snow: I have to tell you we didn't build the Welland Canal.

Mr. Haggerty: No, you didn't. It was done some 150 years ago, before your time, Jim.

Hon. Mr. Snow: We didn't relocate it either.

Mr. Haggerty: No, but it helped the city of Welland anyway. They got two new tunnels out of it that they had never had before. I bring that to your attention. Also on Highway 20 from Smithville to Fonthill there is a portion of it—

Hon. Mr. Snow: I have heard of Highway 20 at Fonthill quite a number of times recently.

Mr. Haggerty: That's right, and I was involved on that when I used to represent that area in Pelham. It was all right to have the developments in that area of new homes, high-rise apartments and other things being constructed there, but you couldn't build a highway or improve the highway in that area.

They were concerned about the salt. If you can get subdivisions on that hill, you are going to have salt put on by the municipalities, so I can't see where it is going to solve any problem at all. I suggest that this road from Bismarck may take some of that pressure off Highway 20, because it's all heavy trucks coming into that area feeding into the city of Welland.

Mr. Gilbert: The meetings at Fonthill have been going quite well, as you know.

Mr. Haggerty: Good, I am glad to hear that. I have attended a number of them over there in some of the schools.

Hon. Mr. Snow: There have been a number of them there these last few months.

Mr. Haggerty: There are portions there south of the hill to Smithville that should be repaired. It's in pretty poor condition. I should have another top of asphalt put on it or something about four or six inches.

Hon. Mr. Snow: Just six inches? Is that all you want?

Mr. Haggerty: You will have to do that to level it out. That's about all I have.

Mr. Warner: Mr. Chairman, I have just one item to raise and I will attempt to be brief. The minister can sit back and relax because at this stage in the game he is not the villain. I know that is good news.

Hon. Mr. Snow: That sounds funny.

Mr. Warner: It is with respect to Highway 401 and a proposed interchange at Brimley Road in Scarborough.

Hon. Mr. Snow: Brimley Road. I just have an idea that is what you were going to discuss.

Mr. Warner: Yes, surprise. I mention you are not the villain, because I understand and this is really what I would like clarified by the ministry, if you could provide some

clarity to the situation—the original request for the interchange did not come from the province.

**Hon. Mr. Snow:** You are right for a change. I will give you a point.

**Mr. Warner:** See; that's why I said you could relax. It was included in some official plans in 1968, was never acted upon and has been revived a couple of times. It is currently before the Scarborough council. While it may be approved by the ministry, it is not on any priority list as something that the ministry would like to see constructed.

**Hon. Mr. Snow:** No.

**Mr. Warner:** At this point there seems to be some confusion about what the ministry's attitude is toward the interchange and whether it approves it and whether it has a particular interest in seeing it constructed. That is what I would like clarified.

**Hon. Mr. Snow:** I don't know why it has to be clarified. I have said it a dozen times. I have met with the borough of Scarborough. As far as we are concerned, from a provincial highway standpoint, the Brimley Road cloverleaf is not a necessity and is not something we would promote or spend money on.

As I recall, we have told the borough of Scarborough that if it feels this is a priority or if we would not stand in the borough's way of building it. In fact, as we do with any municipality, unless it is something odawful, we would co-operate with them in the design or in the building, whether it be a flyover or a partial interchange, as I believe they are talking about. But it would be a municipal project. We have interchanges on both sides of that which we feel meet the needs of the provincial road system to give access to Highway 401.

If the borough of Scarborough in its wisdom decides it wants a flyover and a partial interchange at that location, we will not stand in its way of building it. We would assist them in any way we could, except it could be built out of their municipal road budget, of which we pay 50 per cent, of course, but they set the priorities of the municipal road expenditures.

**Mr. Warner:** All right. I understand that, and it is clear and very good.

**Hon. Mr. Snow:** I hope that was clear. I try to make it as clear as I can.

**Mr. Warner:** There was some question about the funding aspect. I was led to believe that the funding arrangement would be 80-20 and not 50-50, because of the fact it is a borough and not a city.

**Hon. Mr. Snow:** That is for bridges.

**Mr. Warner:** It applies only to bridges and not to interchanges?

**Hon. Mr. Snow:** I wouldn't think so.

**Mr. Gilbert:** Any structures are 80-20.

**Hon. Mr. Snow:** The structure portion of it would be 80 per cent, but not the ramps or the approaches to it.

**Mr. Warner:** So there is a mix of funding arrangements if that project were to go ahead.

9:10 p.m.

**Hon. Mr. Snow:** That's the same funding arrangement that we would have on any other bridge or structure. We have told them we would give them a normal municipality subsidy on that project.

**Mr. Warner:** There is one other item related to that. You know the Yorkdale Shopping Centre, which is located adjacent to Highway 401, has separate on and off ramps leading into the shopping area. My understanding is that that ramp—and this is what I would like confirmed—was paid for entirely by the people who own Yorkdale Shopping Centre and it did not receive any provincial funding.

**Hon. Mr. Snow:** Golly, you've got me. That is before my time, but I would not be surprised at all, because it is quite often the ministry policy that where specific work is done for a shopping centre—whether it be stop lights, whether it be left-turn lanes, right-turn lanes, slip-on lanes, acceleration lanes; where that is being done for a new subdivision or a new road coming into a shopping centre—that work is paid for by the developer. That is the case here. The people who have been with the ministry longer than I have tell me that is what happened at Yorkdale.

**Mr. Warner:** This is a firm policy then.

**Hon. Mr. Snow:** So if the Scarborough Town Centre wants to kick in \$1 million or \$2 million to do what they want done, they are quite free to do so.

**Mr. Warner:** Okay. Then I can assume that policy was in place with respect to the on-off ramp from the Don Valley Parkway to the Fairview Mall. When you are going south on the parkway there is an off ramp into the Fairview Mall—

**Hon. Mr. Snow:** Don Valley? Where is that now?

**Mr. Warner:** I think you call it Highway 404. North of Highway 401 it is referred to as Highway 404.



**Hon. Mr. Snow:** Are you talking about north of 401 or south of 401?

**Mr. Warner:** I am talking about north of Highway 401. It is called Highway 404. There is a large shopping mall there called Fairview. There is an on-off ramp. What I would like you to do is to confirm—not tonight, obviously—in writing to me that it is a policy of this ministry not to pay for those on-off ramps, that they are the responsibility of the developer.

**Hon. Mr. Snow:** I can confirm that to you right now, yes.

**Mr. Warner:** I would appreciate it if I could get that in writing.

**Hon. Mr. Snow:** On that particular one we have to do research and give you a definite answer. But I know the policy, because I sign agreements every week that come forward to me from staff for this type of work. I could give you an example: Fairyland in Vaughan Township, or whatever they call that place—

**Mr. W. Newman:** Is it Fantasy Island?

**Hon. Mr. Snow:** No. I'm told it's called Canada's Wonderland. Anyway, we are making modifications to a flyover into a partial interchange to give access to that Vaughan township development. It is something in the neighbourhood of \$1 million or \$1.25 million. We are doing the work. We are awarding the contract. It is a part of our program. It is probably in our books here, but that is being paid for totally by the developer of that facility.

**Mr. Gilbert:** May I add, Mr. Minister, that in any one of these we always sit down with the developer and we look at it on the basis of whether there is any benefit to the ministry. You always work it out. As the minister said, it has been our policy for some time that if we are putting in something for a development then it is done by us but collected from the developer.

However, in some particular cases, if there is a part of it which is part and parcel of the so-called highway system, or of benefit to the highway system, then there is a sharing. So every one of these is always worked out. That Fairview one you are talking about, just like any other, was worked out on the same basis as Yorkdale or anywhere else.

**Mr. Warner:** Okay. The last question I have relates to the fact that I was a little puzzled by what you said earlier. Regardless of the funding arrangements, supposing it is 50-50, you are saying that as long as the local municipality wants the interchange, or whatever it is, the government then simply

accepts that? Are there no exceptions to that? You are putting up half the dollars. Do you not make any exceptions to that policy?

**Hon. Mr. Snow:** I would say we don't. Certainly with the larger municipalities that have their own engineering staff, their own works department, their own consultants, their own traffic people, we fund them.

**Mr. Warner:** That is part of the problem.

**Hon. Mr. Snow:** Just going by memory, because we have 900 municipalities in the province, I guess Scarborough gets about \$6 million a year. It is in the book, but I am just going by memory.

**Mr. Warner:** Is there a limit on how much money Scarborough council could spend on roads?

**Hon. Mr. Snow:** No. They can spend as much as they want. We only subsidize a certain amount. If our allocation to Scarborough was \$5 million, that gives them 50 per cent of a \$10-million program. They can spend \$12 million if they want.

**Mr. Warner:** But you would supply only the \$5 million?

**Hon. Mr. Snow:** Only the \$5 million—unless they came to us and got a supplementary approved.

**Mr. Warner:** Would it be possible to obtain the exact figures of what Scarborough is permitted to receive from you?

**Hon. Mr. Snow:** Certainly. I can give you that for every one of the 900 municipalities in Ontario.

**Mr. Warner:** I don't need the 900. I just need Scarborough. That would be very much appreciated.

**Hon. Mr. Snow:** Do we have that there?

**Mr. Warner:** I don't need it tonight.

**Mr. W. Newman:** Don't you need to know right now?

**Mr. Warner:** I am not unreasonable, Mr. Newman.

**Hon. Mr. Snow:** It seems to me that Scarborough was in the neighbourhood of \$5 million or \$6 million. I may be wrong, because I can't remember every one of those 900 municipalities.

**Mr. Warner:** I thought you could.

**Hon. Mr. Snow:** It is in that record.

**An hon. member:** He can remember Oakville.

**Hon. Mr. Snow:** Yes, I can tell you what Oakville gets.

**Mr. Warner:** I appreciate that. I would appreciate receiving it.

**Hon. Mr. Snow:** It is not as much as Scarborough, I can tell you that.

**Mr. Warner:** I might add, in conclusion, Mr. Chairman, that the minister is not only assisting me in fighting an unwarranted—

**Hon. Mr. Snow:** I am not assisting you; I am just giving you the facts you are asking for.

**Mr. Warner:** Yes. But you are also assisting your colleague the Minister of Intergovernmental Affairs (Mr. Wells) who similarly is fighting the same interchange. I certainly appreciate the information you have given me.

**Hon. Mr. Snow:** I am just trying to tell you that we give a lot of local autonomy to the municipalities in deciding their programs. Scarborough applied for a supplementary this year. We had a request for a supplementary from Scarborough and we allocated—I can't tell you how many dollars now, maybe \$200,000 or \$300,000, but that was destined for a specific grade separation project, if I recall.

They asked for a supplementary over and above their normal subsidy to allow them to proceed with this grade separation. We allocated that to them. But in their normal program they decide what work they are going to do, what streets they are going to widen and we leave it pretty well up to them.

**Mr. Warner:** Thank you very much. You have been most helpful.

**Hon. Mr. Snow:** We will get you the figures for Scarborough probably tomorrow.

**Mr. Chairman:** Mr. Philip, you are leaving our place to Mr. Swart, I understand?

**Mr. Philip:** I am still on the list, though.

**Mr. Swart:** Mr. Minister, you seem to anticipate what each member is going to mention.

**Hon. Mr. Snow:** No, I don't.

**Mr. Swart:** You may be able to anticipate the matter I am going to bring up with you.

**Hon. Mr. Snow:** I am not going to rationalize Bell, I will tell you that.

**Mr. Swart:** That is disappointing, and I don't think you should give it that kind of an out-of-hand rejection.

**Mr. Warner:** You are only 70 years behind the Conservatives in Manitoba.

**Hon. Mr. Snow:** We are a hell of a long way behind a lot of people in Manitoba.

**Mr. Swart:** Mr. Minister, you recall—

**Hon. Mr. Snow:** Scarborough was \$4.7 million, plus supplements. I think they got

\$200,000, or \$300,000 in supplements; so my \$5 million was very close. Okay?

**Mr. Warner:** You have a computer-like mind.

9:20 p.m.

**Mr. Swartz:** Mr. Minister, you will recall that I wrote to you early last fall—I think it was in September—about the railings on the skyways, with particular reference to the Garden City Skyway. I asked you to look into the safety of those.

You replied to my letter saying you had done the examination and you had found they did need reinforcing. You stated in that letter—I will read just one paragraph:

"In 1978, we also initiated a research project to investigate the feasibility of strengthening the existing railings. Our research indicates, however, that the installation of additional horizontal guardrails would not significantly improve the capacity of the existing railing since the vertical supports are the weakest part of the railing system.

"Subsequently, it was determined the most effective barrier system would be the installation of extra concrete walls at the curb line which deflect vehicles away from the edge of the bridge. Pre-contract engineering work covering the installation of concrete barrier walls, together with the repairs to the concrete deck and the raising of the existing expansion joint, is currently under way."

I was very pleased when I received that letter, because that does seem the right solution to the railings, particularly on the Garden City Skyway. But in conversation with some of the senior officials this year they tell me that may be a few years down the road. I would like to get information from you this evening on when that work might be done and certainly to motivate it to be done at the earliest time.

My son witnessed the first accident where a truck plunged through the side of the bridge and fell 90 feet to the ground beneath. The driver was killed, of course, and the truck was demolished. Because of that, I had some interest apart from the normal interest, I guess, in looking at that railing and particularly the part that had been knocked down.

One of the posts had been knocked out as well, but the railings had been sheared off and there were only four bolts that hold that railing to the pillar. Those bolts just sheared off so easily without even carrying the metal, and those railings are not a great deal more than decorative, perhaps slightly more, but not a great deal more than decorative on the sides of the Garden City Sky-

way. If it is going to be another one, two, three or four years before we get those—

**Hon. Mr. Snow:** One.

**Mr. Swart:** One year? That means it is not in the construction program this year, but it is scheduled next year.

**Hon. Mr. Snow:** It is scheduled for 1981.

**Mr. Swart:** Even then, I would urge that there be either guardrails put up along there on the present railing, or perhaps even cables strung along there. That is exceedingly weak. You will know, of course, that a number of vehicles have knocked those out, and there was a similar accident a year after that. I noticed the authorities said the horizontal guardrails would not be of much value as a reinforcement and, in fact, you have them on some of the bridges along the Queen Elizabeth Way.

**Hon. Mr. Snow:** Mr. Swart, I understand you wrote to me recently about this—

**Mr. Swart:** Yes, I did.

**Hon. Mr. Snow:** —and one of my staff just sent me a note saying the reply is on my desk tonight waiting for my signature. I will read that doubly carefully tomorrow before I sign it. Tomorrow morning, about seven o'clock I will look at it.

**Mr. Swart:** Mr. Minister, if you read it at seven o'clock and you have any questions about it, give me a call. I will be in my office.

**Hon. Mr. Snow:** Okay. Drop in at seven. I will be there tomorrow morning.

We will look at this. We have this program of improving the guardrail facilities on the skyway. It is work scheduled to be done there in 1981, but if there are any specific danger points where guardrails have been damaged we will certainly look at it and maybe, as you suggest, by way of cables or something else, take some interim measures that would make it safer.

**Mr. Haggerty:** A truck hit the guardrail last fall and was just hanging over.

**Mr. Swart:** Just teetering on the edge.

**Mr. Haggerty:** That's right, and that was just last fall.

**Mr. Swart:** There was a car that teetered there too.

**Hon. Mr. Snow:** It is pretty hard to build guardrails that will stop those trucks.

**Mr. Haggerty:** Keep the trucks off the bridges then.

**Mr. Swart:** I am not sure that is the solution.

**Hon. Mr. Snow:** I am not sure that will work either.

**Mr. Swart:** Although I know the guardrails are stronger on the Burlington Skyway I want to put a pitch in there too. Those of us who travel that route frequently know they are also damaged on numerous occasions and sometimes quite extensively.

**Hon. Mr. Snow:** On any of our more recently constructed bridges you will find they all have the concrete barriers on the side that deflect vehicles very well.

**Mr. Swart:** Yes, that is a bit better. They get wrecked less that way than if they fall 90 feet to the ground below. I am not sure if anybody else has discussed this with you but did anybody ask you to give the timeline on the rebuilding of that skyway or the three-lane—

**Hon. Mr. Snow:** Which skyway?

**Mr. Swart:** The Burlington Skyway.

**Hon. Mr. Snow:** Oh, yes. All I need about \$100 million, plus an environmental assessment approval, and we can get under way.

**Mr. Swart:** This fall then, is it?

**Hon. Mr. Snow:** We have a program scheduled for the Burlington Skyway. It is one of our high-priority projects. The first contract is listed in our green book this year. It is a three-phase program that I announced about a year ago we were going to proceed with. The first phase includes considerable improvement of the ground-level access which includes widening the existing bridge from two lanes to four lanes and doing some landfill on the harbour side and basically building a four-lane grade level access across through the Burlington Beach strip.

The second phase is the twinning of the skyway. That is what is recommended. I submitted the environmental assessment report to the Minister of the Environment, think last December. We still haven't got the approval yet. We investigated both a tunnel and a bridge and our recommendation is for a bridge similar to the existing one, built to the west of the existing bridge, with a five-lane deck on it.

When that bridge is built, we would have to close the existing bridge and remove the present deck, which will have deteriorated by the time that new bridge is built to the stage where it has to be replaced. So we would put a new deck on the existing bridge, move the median, and we would end up with a five-lane deck on that bridge; in other



words, we would turn that bridge from a four-lane bridge into a five-lane bridge. Then we would have five lanes in each direction. That phase includes major work at each end of the bridge, basically from the Burlington Street interchange through to the new Fairview Avenue interchange in Burlington and to Highway 403.

Phase three of that program goes further on each end on the Queen Elizabeth Way, with modifications through to the Guelph Line on the north end and Highway 20 on the south end.

That program is all in the mill. The environmental assessment has been done. We have to wait until we get that assessment, but in the meantime the design work is going ahead, and in our program, on page 20 of our green book this year, we have interim capacity improvements on the Burlington Beach crossing, two kilometres of work there. That is the first contract of that overall program. That is on our books. We fully intend to proceed with that if we get the environmental approvals in time this year.

3:30 p.m.

**Mr. Swart:** What length of time are we talking about for completion of stage two?

**Hon. Mr. Snow:** About five years, I would guess. I think we are scheduling expenditures in the neighbourhood of \$10 million to \$12 million a year on that as an ongoing program once we start the main part of it. Stage two, it seems to me, is about \$50 million to \$60 million. I don't have the updated figures. We cannot get definite figures until we get the environmental assessment and find out exactly what has to be done. They can make modifications to our plans that can cost us more money.

**Mr. Philip:** Is there any possibility that after any of these phases, or improvements you like, on the bridge you will consider implementing the request of a group of truckers who presented a petition to allow them to use the passing lane on the down side of the bridge?

**Hon. Mr. Snow:** Not one iota of a chance as long as it is a two-lane bridge.

**Mr. Philip:** But phase two will give you a middle lane.

**Hon. Mr. Snow:** We have not made any decision on that. We will have five lanes then, but I would presume we would have to put a temporary median on that; so the five-lane bridge that we would build, the new one, basically would be a four-lane bridge. I am sure we would have to put a temporary median, even if it is only barrels of sand

down the middle of the road, to separate it until the deck is built on the other. But once we get the five lanes going in each direction then the trucks certainly wouldn't be limited to one lane.

**Mr. Philip:** That is roughly three to five years away?

**Hon. Mr. Snow:** Certainly not three. We have to build a new bridge. After the new bridge is built there is at least a year's work. The bridge itself will take three years to build, and once the new bridge is built there is at least a year or a year and a half's work to remove and replace the deck on the old bridge.

**Mr. Philip:** There is no consideration even at certain times of the night, such as from two o'clock in the morning until five o'clock, to allow them to use the—

**Mr. Gilbert:** No. Our intention is to close it completely and use the new bridge.

**Hon. Mr. Snow:** No. Mr. Philip is asking about giving the trucks the use of both lanes. We are not planning on changing the regulations on that until the whole new bridge is built.

**Mr. Philip:** I was wondering how I could get that in under this vote tonight.

**Hon. Mr. Snow:** You did pretty well.

**Mr. Haggerty:** They are doing some repair work now on the Burlington Skyway. Is there not a way to warn the motorists that the bridge is under repair back far enough that if they want to cut off and go across the Burlington Bridge they can make that cut-off?

Last Friday there was a lineup of traffic there almost right back to beyond Stoney Creek Road, about two and a half miles of trucks and cars waiting to go on to that single lane.

A week ago Monday I came into Toronto and there was a backup of traffic; so I decided to take the Burlington Bridge. Lo and behold, what happened? It was down to one lane. Both bridges were undergoing repair work at the same time. Surely there should be some co-operation between—

**Hon. Mr. Snow:** The Burlington Bridge, the low-level bridge, is only one lane in each direction anyway.

**Mr. Haggerty:** But it had one lane shut right off.

**Hon. Mr. Snow:** It is a federal bridge.

**Mr. Haggerty:** I know, but surely there has to be some co-operation between your ministry and the federal department so you don't have two bridges down to one lane each.

**Hon. Mr. Snow:** There is certain maintenance work that has to be done on that Burlington Bridge. We have had a great time over there as long as I have been minister in trying to do maintenance work on that bridge. It is work that has to be done this year.

**Mr. Haggerty:** I am talking about the Burlington lift bridge now; it was down to one lane there too and one had to wait while they let so many vehicles through from the other side. What they were doing was welding on the steel deck, building it up a little bit. That could have been done at night.

**Hon. Mr. Snow:** That is a federal contract.

**Mr. Haggerty:** I know that, but surely—

**Hon. Mr. Snow:** We went to great lengths to try to warn people. We advertised, made announcements and sent out press releases telling people there was going to be work done on the Burlington Bridge. We are on the northbound lanes now. The work on the northbound lanes is being done, and I understand it is supposed to be finished tomorrow; then we will be starting on the southbound lanes.

**Mr. Haggerty:** On the Peace Bridge, for example—

**Hon. Mr. Snow:** You should be able to come in in good time next Monday morning, but going home next Friday you will probably have a hell of a time.

**Mr. Haggerty:** I probably will. I'll have to leave early tomorrow morning to get through that traffic.

For example, on the Peace Bridge—I think it is three lanes there—when they get a heavy flow of traffic there they have overhead lights and they have arrows, green or red, and they can move that from one side to the other side.

They can switch over, say, if heavy traffic is coming from the United States, which it is now because they are up here buying all the gas; so they have two lanes going over to Fort Erie and they do it by light changes up above telling you you can use either of these two lanes. Then if it gets heavy going back they can change the lights and they use the two lanes; that's the centre lane—

**Hon. Mr. Snow:** But we have only two lanes in each direction. We have a median down the middle.

**Mr. Haggerty:** When you have that bottleneck that's been there for years at the Burlington Skyway you should be able to have warning lights saying the bridge has been reduced to one lane. Then if a person wants

to take the bypass and take the Burlington lift bridge you can do it.

**Hon. Mr. Snow:** There is no way we could put the traffic over into the other half of the bridge facing the traffic. You would have very dangerous situation.

**Mr. Haggerty:** It's dangerous at any time.

**Hon. Mr. Snow:** We are causing some delays; we know that. We have advertised it. We have tried to explain to people what has to be done. As I say, the work on the northbound lanes is going to be finished tomorrow and then we will start on the southbound lanes; so we will have a traffic jam in that other direction.

**Mr. Haggerty:** How long will that last?

**Hon. Mr. Snow:** Two weeks' work on the southbound.

**Mr. Haggerty:** I just bring to your attention that both bridges were reduced in terms of the flow of traffic.

**Mr. Swart:** I have one more issue that want to mention to you, and it is one you are familiar with. That's the subject of washrooms along the Queen Elizabeth Way south of the place between Fort Erie and Toronto. I am sure you have had representation from the tourist council—

**Hon. Mr. Snow:** Which one of those—

**Mr. Swart:** I know only one kind washroom.

**Hon. Mr. Snow:** Which one of those bundles of toilet paper you had in the Hotel the other day should we consider using those washrooms?

**Mr. Swart:** If you will build them, I will supply that for the first week or two. Very seriously, Mr. Minister, it is a real problem. It's becoming a greater problem all the time as I am sure you know, particularly at fruit stands. They have to have washrooms there, of course, for the vendors and they are having difficulty refusing the people. They are getting overloaded.

You have a distance of 140 kilometres from Fort Erie to Toronto. Granted, there are some service stations and restaurants just off the route, but there is no stopover or rest areas as there is along Highway 401 and I am convinced, and so are the people in that area, that we should have those facilities, probably some place between St. Catharines and Hamilton.

**Hon. Mr. Snow:** First of all, I think I tried to explain my position very clearly on that.

**Mr. Swart:** You explained it very clearly.

**Hon. Mr. Snow:** We don't feel it's part of our ministry's program to build washrooms along the side of the highway. I can tell you that the Minister of Industry and Tourism is planning construction of two new tourist information centres—

**Mr. Haggerty:** They are opening one tomorrow in Fort Erie.

**Hon. Mr. Snow:** Okay; well, that's three. One is being opened at Fort Erie. There is also one planned for construction at Niagara Falls, and another one is planned for construction in the St. Catharines area. Those tourist information centres, of course, were built specifically for tourists to pull up, get information and what not, and there would be washrooms supplied as part of those facilities.

As far as the fruit stands are concerned, I don't know; it seems to me if somebody is going to operate a fruit stand then it's up to them to supply the washrooms.

40 p.m.

**Mr. Swart:** But those fruit stands, of course are provided by the ministry. I don't think that will be a problem there if there are other washroom facilities. If we have these tourist information centres and they have adequate washrooms—

**Hon. Mr. Snow:** The three new centres are to be on the highway from the time they cross the Peace Bridge at Fort Erie. As I say, it's a new one that's completed at Fort Erie. I know the minister has funds for the construction of two new facilities this year. They won't be in operation for this tourist season, but there will be one in Niagara Falls and one in the St. Catharines area. I can't appoint the locations right offhand.

**Mr. Swart:** Will they be accessible for traffic going in either direction, do you know? Are they being built at interchanges?

**Hon. Mr. Snow:** I can't tell you the details of their locations. Does anyone know the locations?

**Mr. Swart:** Will they be at interchanges?

**Hon. Mr. Snow:** I am not sure they will have access to them from both directions.

**Mr. Swart:** Let me provide the answer to that particular problem, although I would still say that for the travelling public, there is a lot of merit in having the places to pull up, whether they are rest areas separate from restaurant areas or whether they are in the restaurant areas, as they mostly are along Highway 401. They are a real asset to a main traffic artery, and we will perhaps

see how these work out as far as washroom facilities go.

**Mr. Gilbert:** They have to be part and parcel of something like a tourist information centre because, as you know, they take an awful lot of maintenance. You have got to have—

**Hon. Mr. Snow:** When you provide washrooms by themselves, because of the vandalism and the maintenance they are almost impossible to keep up.

**Mr. Swart:** They seem to succeed in many of the areas in the United States where they have rest areas that aren't adjacent to the restaurants, as I am sure you are aware. I suspect if they can do it, we can.

**Mr. Ruston:** Mr. Chairman, I don't have too many things right now. I guess the minister is spending all his money on the E. C. Row Expressway and so forth. Do connecting links actually come under municipal roads?

**Hon. Mr. Snow:** They are in the municipal roads program. In terms of these votes we are dealing with, the money for connecting links is in municipal roads, but they are really part of the King's highway system.

**Mr. Ruston:** Yes, that's right. In the Belle River case, you pay 90 per cent—

**Hon. Mr. Snow:** You have no problems in Belle River. We solved the whole problem for you this year; so don't mention Belle River.

**Mr. Ruston:** That's all set. And you fixed up Highway 77 last year, of course; so I want to congratulate the ministry. It was a difficult road to repair because it was so narrow. It was a former county road and a lot of the houses are very close; I see where they put five- and six-foot shoulders of asphalt on the side. It was really a good job. I think it is one of the better jobs that they have done on a narrow road in Essex county that I have seen in 25 years. I really think it was. They have done a very good job considering what they had to work with.

**Hon. Mr. Snow:** Would you repeat that so Hansard can get it in the record.

**Mr. Ruston:** I'm sure they will have it in. On Highway 3 on Church Road and Todd Lane—it's Cabana Road on one side and Todd Lane on the other—it seems to me they have a traffic light there and they were having some problems. I think have a "yield right of way" sign for traffic coming off Todd Lane on to Highway 3. It's a very short one though, so the traffic has to stop for the light and lines up, and anyone wanting to turn right has only the gravel surface off



the road. I can't understand if there were problems getting a right of way, although the land is there, whether you couldn't use it to extend—

**Hon. Mr. Snow:** Where is this?

**Mr. Ruston:** It's in Sandwich West township, on the outskirts of the city of Windsor, on Highway 3 four miles out from the bridge. In yielding to make a right-hand turn on to Highway 3, maybe two cars stop at the traffic light, and no one else can make a right-hand turn, which is a yield, which could move traffic. It has a tendency to back up considerably, because a lot of people use that municipal road to get to the racetrack—

**Hon. Mr. Snow:** Sinners. Gamblers.

**Mr. Ruston:** I wouldn't say they're sinners. We all buy tickets. You must, I'm sure, with all your promotions of Lottario, Wintario, et cetera.

**Hon. Mr. Snow:** I have a \$100 ticket on a Lions' club draw in Oakville that's being drawn right about now, and I hope to win a new Lincoln.

**Mr. Ruston:** I've only got two tickets on Wintario tonight. Maybe we'll have a \$100,000 winner some day.

I wish you would look into that and see whether the property is owned by the ministry. Maybe it is privately owned; I'm not sure. At the time there was some discussion—I remember reading in the paper about it—about whether you could get a right of way to it. The land is sitting there, and there are no houses within 60 feet or 70 feet. It would certainly solve the bottleneck that is there.

**Hon. Mr. Snow:** It sounds like it needs a right-turn lane, from what you're saying.

**Mr. Ruston:** Yes. It just needs moving back about another 100 feet to give cars the allowance to make a right-hand turn, without being blocked by the traffic light. It's just a single lane for traffic going through and for traffic making a left-hand turn. It really holds it up.

**Hon. Mr. Snow:** We'll take a look at it.

**Mr. Ruston:** That's one I would like you to have a look at.

As for some of the improvements on Highway 401, since I travel it considerably, I probably could mark you mile for mile whatever might need doing on it. I know you're resurfacing 27 kilometres of it this year in Kent county.

**Hon. Mr. Snow:** We've awarded a couple of major contracts for resurfacing on Highway 401 this year. We have an ongoing program. We're putting in a farm tile type

of drainage along the shoulders and resurfacing so many miles of it each year. It's all programmed, and we're doing that right from Montreal to Windsor.

**Mr. Ruston:** What construction are you doing down here at Highway 427 and the Queen Elizabeth Way eastbound?

**Hon. Mr. Snow:** We're building Highway 403.

**Mr. Nixon:** No, no.

**Mr. Ruston:** No, no. At Highway 427—

**Hon. Mr. Snow:** I'm sorry. That's a deck repair, an existing bridge deck, where the moisture and the salt are getting through to the bridge deck. We're doing that—I'm just guessing now—at about a dozen locations this year. I just signed the contract awards on about four of them this afternoon, for bridges that were built a number of years ago. We did a number on Highway 401 last year.

We did the Credit River bridge. Mr. Nixon will remember that. We did the Credit River bridge on the Queen Elizabeth Way over the Credit River.

We have to strip off the asphalt, clear down the concrete and put new waterproofing on the concrete deck and then re-asphalt. It is a maintenance job and it usually involves repairs to the expansion joints of the bridge at the same time.

That's what's happening at Highway 427 and the Queen Elizabeth Way right now. We've got two lanes closed off, and presumably when those two lanes are opened up the other two lanes will be closed off. That will go on—I'm guessing—for the next month to six weeks. It's just a traffic jam that we have to live with, unfortunately.

**Mr. Ruston:** You've now gone out not quite to Milton with your six lanes, your additional two lanes on Highway 401?

**Hon. Mr. Snow:** We've got a program on Highway 401 for six lanes. As you recall about four years ago we did the section between Highway 10 and Mississauga Road. We awarded one contract a year on Highway 401, and we alternate east and west.

9:50 p.m.

The 1978 contract was at the Oshawa end. The 1979 contract was the one between Mississauga Road and Trafalgar Road. That is all completed now, except there is the course asphalt to put on it. There's an inch and a half or an inch and a quarter of course that couldn't be done last fall, because of the weather. That is to be done this spring, as soon as the contractor gets his strike settled.

This year, if you look in your book, you will find there is a contract to be awarded from Oshawa easterly for another four or five kilometres. In 1981, there's a contract to be awarded between Trafalgar Road and Highway 25. That basically finishes it for the present time as far as we are going west-bound, as far as Highway 25 at Milton.

Then we have one more contract in 1982 to do on the east end, which takes it from Harmony Road, at Bowmanville, through to Highway 115, which goes up to Lindsay and Peterborough. That's as far as we're planning a six-laning it to the east. We'll end up in two more years, we hope, with six lanes at both ends, to Highway 25 in the west and Highway 115 in the east.

Although we don't have it scheduled, there are a few miles of Highway 401 in the Mitchener-Cambridge area where we're getting very heavy traffic volumes, so there will probably be some six-laning done there, and in London, between some of the interchanges where there is a high volume of traffic.

We're not just going to keep going. I think there is, somewhere in our long-range schedule that the next section would be from Highway 25 through to Campbellville Road, but that's not scheduled yet.

**Mr. Ruston:** Thank you.

**Mr. Philip:** There are a couple of issues I want to raise on this vote. I wonder if I can have the answers to some of the questions I asked in my opening statement concerning the use of rubber pellets—in other words, the old tires that can be recycled for use in roads. You said you would have your experts here to answer some of my questions.

**Hon. Mr. Snow:** I believe John Wilkes can answer your questions concerning where we stand on that.

**Mr. Wilkes:** I have a short description here which I can give you, Mr. Philip. In general, we are keeping up to date with what is known about the use of rubber. We are observing work in Toronto, and this year we are going to do some work of our own.

One of the problems with rubber is that while there are a lot of spare tires available to get rid of, the use of rubber in mixing it to make this asphaltic concrete requires more asphalt to make a proper mix. We have conflicting policies of getting rid of rubber tires and at the same time using more asphalt than we otherwise would use.

**Mr. Philip:** Are you saying you use more asphalt per mile in using the rubber?

**Mr. Wilkes:** Yes, to make a satisfactory mix. It isn't all benefit. There are two sides

to the story. We're not sure yet whether it makes a road that is appreciably more durable. If it lasts a reasonable time longer than an ordinary road, possibly the use of the extra asphalt could be justified. But it also adds to the cost and we're not sure whether the durability makes it worth while. But we are keeping up-to-date with the knowledge available on the continent and we're doing some of our own actual testing on the roads.

**Mr. Philip:** The research I quoted from Saskatchewan, Alberta and Manitoba projects, and also some other research in the United States, seems to indicate that the cost is approximately 15 per cent higher, but the durability is close to twice as long. Are you disagreeing with that research?

**Mr. Wilkes:** No, we are just not convinced that is right. We are not disagreeing, but we want to see for ourselves if that is true.

**Mr. Philip:** I wonder then, as a way of convincing you that this research may have some merit, would the minister care to give his assurances that rubberized roads would qualify for provincial road subsidies if the municipality wished—

**Mr. Gilbert:** I think we have already said that. We have told the municipalities.

**Mr. Wilkes:** Yes, we have. We certainly would anyway.

**Mr. Philip:** I would like to have the minister say that on the record.

**Hon. Mr. Snow:** We certainly haven't, to my knowledge, ever turned anyone down. There's another product and I can't remember the name of it; it's an aggregate of some kind that was coming from down in the Marmora area, and I am not talking about trap rock but was some other material. I believe the city of North York was using it on an experimental basis and I recall we approved that.

**Mr. Philip:** In the Marmora area they mine naphthalene, do they not?

**Hon. Mr. Snow:** I can't tell you the exact formula, but I remember having people in to my office talking about it and I know they have been doing work with North York. The advice I got from my people was that it might be applicable for city streets but it wasn't necessarily the right material to use on intercity highways, but we were co-operating with North York in doing the experiments and monitoring them.

**Mr. Gilbert:** We subsidized the city of Toronto in its rubberized asphalt work.

**Mr. Philip:** I think it really isn't that well known out in the municipalities, judging from the study that was done, the market study done by Johnson, Lowe and Associates for the New Credit development project, because when you read the answers you see that many municipalities such as Etobicoke and North York give answers such as, they may be familiar with it but they want to follow MTC recommendations. That's Etobicoke's answer and North York gives a similar answer. So do other municipalities. I have all the municipalities listed here. Basically, what I am asking is if the minister would be good enough to simply state categorically that if the municipality wishes to try these rubberized road mixtures, it would qualify under the cost sharing plan as it now exists.

**Hon. Mr. Snow:** We have never turned one down yet. We have already subsidized municipalities with these kind of tests and—

**Mr. Philip:** So the answer is yes.

**Hon. Mr. Snow:** I have to say that, unless we find the product is not standing up or if it's not a fuller use of resources then we might withdraw, but certainly there is no indication at this time.

**Mr. Philip:** Okay. You just mentioned that you are going to do experiments with it. What kind of experiments? Are you planning on having provincial roads coated with it?

**Mr. Wilkes:** You are talking about the rubber?

**Mr. Philip:** Yes.

**Mr. Wilkes:** We have two test sections about a half mile each.

**Mr. Philip:** About how much?

**Mr. Wilkes:** A half mile each, one on Highway 36 and one on Highway 48, and the rubber will be used in the mix. That's the work going on this year. Those contracts are already awarded and we are going to arrange for the contractor to include it in his work.

**Mr. Philip:** Will you be applying this yourself?

**Mr. Wilkes:** We will have the contractor apply it.

**Mr. Philip:** With what equipment? Does he have the specialized equipment needed?

**Mr. Wilkes:** We will arrange that he has that.

10 p.m.

**Mr. Philip:** My understanding is that if we could in fact get contracts of about 10

miles between municipalities and the provincial government it would be economical to get the US spreading company—it is called Sahuaro, in Phoenix—which has that specialized equipment. It would be economical for them to come in, since they have developed the technique of spreading, and bring in their equipment and do the experiments.

I am just wondering if we can get some commitments. You are saying you are going to do two experiments of half a mile each. If the New Credit reserve project could get different municipalities to add on to the mile you have agreed to—in other words, getting another nine miles—it might be economical to bring in that American company that has so much experience with it to lay this specialized experimental kind of covering. We could then have the results in a very controlled way.

**Mr. Wilkes:** I think we should do these two small sections first to learn a little more ourselves of some of the problems. Actually adding it to the mix isn't that much of a problem. We aren't investing in a lot of equipment just to do these test sections.

**Mr. Philip:** I am sure you can appreciate the problem of the New Credit development project. They spent something like \$15,000 or more in feasibility studies. It is a barrier that wants to provide work for its members. It recognizes that this would reduce an environmental problem. The research in the west certainly indicates very substantial results.

If we have to wait for you to do your two half miles and then have some municipalities do some others, it may well be that will simply cancel out of the project because they can't hold on that long.

What I am suggesting is it might make a lot of sense, now that we have a definite statement from the minister that municipalities that wish to experiment can in fact receive their provincial share from the government, and with you people doing another two half miles it might be worthwhile to do it all at once and therefore make it possible for this reserve at the end of the study, assuming that the study proves the merit of to go ahead and build the factory.

**Mr. Gilbert:** We are not saying it is possible, but it is difficult to put together projects like that. As I understand it means bringing whatever it is up from considerable distance and I would expect they would want to do them almost one right after the other. As I say, I am not say-



it is impossible but it is certainly a problem in putting that kind of thing together.

Mr. Wilkes: I should say we are not doing this in isolation. We are working with the Ministry of the Environment, Metropolitan Toronto, the Ministry of Industry and Tourism and the University of Toronto. So we are co-operating together and that is what the interministerial committee has suggested. We are certainly willing to look at an extension of this.

Mr. Philip: I met with one of the consultants for a considerable period of time to put together the information I have on this, and I shared that with you the other night. I have spoken to him on the phone since then and he doesn't seem to think that he would have any trouble putting the thing together.

What I am staying is if they can put it together then you are willing to look at the possibility of having this American contractor—or using his equipment so that we have some kind of controlled laying of the pad, and therefore the tests will be fairly definitive when they come out.

Hon. Mr. Snow: The two tests you are going to do this year, what equipment are you going to use for laying that, the normal equipment?

Mr. Wilkes: I am sorry, I don't know the details of the type of equipment, but I know that adding the rubber to the mix is not a big project. It is not expensive.

Hon. Mr. Snow: Do you need a different asphalt laying machine?

Mr. Wilkes: No, just getting the particles of rubber thoroughly mixed with the asphalt. It has to go in at the right time and at the right rate and the right heat, so that it is thoroughly mixed.

Hon. Mr. Snow: It's not the laying, it's the mixing that is the problem.

Mr. Wilkes: It isn't something we have to go and invest a lot of money in to lay these two half miles. We'll learn a fair amount about it by doing it ourselves. Metropolitan Toronto has already laid some in Detroit.

Mr. Philip: My understanding, though, is that the consultants who have put this together seem to feel that the American method of laying will probably produce even better results than Saskatchewan, Alberta and Manitoba, and therefore they seem to feel that the using of this equipment—which admittedly is only in addition, I gather, to the regular equipment that you are already using with the experience the Americans have in these particular projects that they have done,

would result in even better results than the Saskatchewan, Alberta and Manitoba governments have come up with.

Mr. Wilkes: I'm not aware whether they've contacted us and discussed it in some detail with us.

Mr. Philip: I understand they've had all kinds of letters and sent you all kinds of information on it.

Hon. Mr. Snow: Who are the consultants involved?

Mr. Philip: The consultants involved are W. L. Wardrop and Associates. They're the consultants for the western one. The New Credit development project is being done by Johnson, Lowe and Associates. The person I've been consulting with is Grant Wichenko and he's with this consulting firm that is working with the native bands.

Mr. Gilbert: Are they a Toronto firm?

Mr. Philip: I think it's Mississauga or west of here.

Mr. Gilbert: Then I'm sure Mr. Wilkes can get a hold of them and see.

Mr. Philip: I'll give him the phone number so that you can make direct contact. The other matter that I wanted to bring to the minister's attention and discuss is I've noticed that on Highway 45 there are test areas which say "reduced salt test area" or words to that effect.

I was impressed by an article in the Queen's Quarterly by John Valentine concerning the amount of salt which has been put on North American highways and what it is doing to the environment. He points out that some of the obvious costs of the use of salt for road de-icing are: corrosion of automobiles, corrosion of reinforceable steel in bridges—we were just talking about that problem down on the Queensway—and other highway structures, corrosion of underground cables and water mains, deterioration of leather, and the flaking of cement due to increased frequency of freeze-thaw cycles, contamination of ground water supplies, and he goes on to the problems that are now facing the Great Lakes.

In a special report called The Ecosystem Approach, presented by the Great Lakes Science Advisory Board to the International Joint Commission in July 1978, road salt was cited, along with acid rain, fisheries and toxic chemicals, as evidence of the need to change from current perception of an external environment to a man-in-the-ecosystem approach.

The figures in the various studies that I've read are that for every dollar that you

spend on salt you have hidden costs somewhere in the \$15 range, and that's a lot of money. But because people are not paying it out directly in taxes, it's a little less obvious to them.

An interesting article in the Kingston Whig-Standard dealt with the amount of salt and the rate at which the salt was increasing on Kingston streets. It gave some interesting figures about how we're increasing dramatically the amount of salt we're using on our roads.

There are various ways of reducing it. One point is that we seem to be using salt on some roads that don't need it, where there is very little traffic and so forth. They are using it in some climates that don't need it, where the roads are covered from one end of the year to the other.

13:10 p.m.

I notice when I drive along Highway 401, whether it is above the freezing point or not, there is often still some guy on there who has a contract and he is filling my car with salt, because I suppose he has a contract to do it.

**Mr. Gilbert:** He also wants to make sure that you can drive safely.

**Hon. Mr. Snow:** In all due respect, there is nobody being paid to put salt that is not needed on the road. We do contract with companies on an annual basis to supply vehicles and crews for the salting and sanding of the roads. We have changed our contracting method so that they are paid a standby fee and paid by the hour for application and not by the ton, so there is no advantage to anyone to go out and spread more salt or sand than is necessary.

**Mr. Philip:** I would like to know what you are doing in the experiments of reducing salt. In Ontario last year, 385,000 tons of salt was dumped on our highways, and in Kingston in the past six years some 30,000 tons of sodium chloride, which is rock salt, and about 200 tons of calcium chloride.

What we are talking about is something like 250 tons every mile, and that seems like an awful lot of salt. I find in municipalities like my own they even put salt on the dead-end streets, and I really question how necessary that is.

**Hon. Mr. Snow:** You said 250 tons a mile?

**Mr. Philip:** Yes, every mile.

**Hon. Mr. Snow:** There are 96,000 miles of highway in Ontario.

**Ms. Gigantes:** That is 385,000 tons of salt. That sounds about right.

**Hon. Mr. Snow:** The normal application rate, as I recall, is about 400 pounds per two-lane mile of highway. Is that not right?

**Mr. Wilkes:** Yes. We put about 26 tons a mile over the winter as an average.

**Hon. Mr. Snow:** That is quite a difference. 250 tons per mile would bury the road.

**Mr. Philip:** Sometimes when I drive along I feel as though it is buried in salt. I really wonder if all of that salt is necessary. All the figures seem to indicate there is an increase in the amount of salt that is being used.

**Hon. Mr. Snow:** Do we have any figures on our salt use for the last three or four years, John?

**Mr. Wilkes:** Yes. This last winter it was 411,000; the year before it was 449,000; the year before that it was 379,000; 471,000 and 510,000. The biggest year of all was back in 1975 when we hit 500,000. We have brought it down almost 100,000 less than that per year. It varies, and it is difficult to predict. The frequency of storms has a great deal to do with the amount of salt we put on the roads.

**Mr. Philip:** One of the interesting things, though, is that one of the high concentration areas is Metropolitan Toronto, which has a lower climate than other areas of Ontario. You obviously have more miles of road here, but why do you have such a heavy concentration in the Toronto area? I have the feeling that you are using it sometimes when you don't need to.

**Mr. Wilkes:** I am speaking of the tons of salt we put on the King's highway system and the secondary highway system.

**Mr. Philip:** That doesn't include what the municipalities use?

**Mr. Wilkes:** No. Metropolitan Toronto, of course, has a very high traffic volume, and any amount of slippery streets just ties up the whole city so there is no movement at all.

**Mr. Philip:** In the areas where you've tested, where these signs are up that they are reduced salt test areas, what have you found? Have you found there has been any safety loss in the test areas?

**Mr. Wilkes:** What we're trying to do is learn the optimum amount of salt to put on under varying weather conditions. If we had a very long winter and we had continuous storms we would learn a lot faster, but there is difficulty having enough repeated conditions in any one year to really develop a lot of basic findings.

We think we are getting to know a little more about just how to predict exactly the

ght amount to put on. If we put a little too much on, that's a waste. If we put too little on, you have to go out and add some more. The total of those two applications may be too much. The trick is to get that optimum dosage. It's a very difficult thing to predict, with all the varying conditions that apply.

**Mr. Philip:** If you increase the amount of sand that is used you increase the wear and tear on the sewer system. If you increase the amount of salt that is used you increase the cost. Sand erodes the sewer system and salt eats it away, so you're weighing one against the other in urban areas. In rural areas how do you weigh the sand versus the salt ratio?

**Mr. Wilkes:** The sand is used as an immediate improvement. It produces some grit for the road. But it's only with the use of a combination of good ploughing and salting that you can get the road back to the bare conditions, which is the requirement on the major highways. On a good portion of the highway system the public expects a bare system for most of the winter. It's the only way school buses and milk trucks and other goods and people getting to work every day can get there with any reliability.

**Mr. Philip:** We seemed to travel with some reliability in years gone by on worse roads. I have some questions about how rich we're using and its effect on the environment. I believe Ms. Gigantes has a supplementary.

**Mr. Gilbert:** Mr. Philip, I think you would fill—as the minister said, he's got some long-term people around here—going back to my own days in maintenance, I would say we have more control over the chemicals and the sand being used on the roads today than we had 15 or 20 years ago.

There has been work done by Mr. Wilkes and by our staff throughout the province in the last few years. In fact, I write a letter to them each year impressing on them the need to control the amount of chemicals and the amount of sand. I think we've done a lot of work in this area. As Mr. Wilkes said, we still have that responsibility of going people along the roads as safely as possible. What we're up against is what is the right combination, as Mr. Wilkes has said. We are working on that.

**Mr. Philip:** I'll just encourage you to rededicate it.

**Hon. Mr. Snow:** Another thing I would like to mention that hasn't been mentioned, is that practically every patrol yard now has salt domes, where salt or salt and sand is

stored inside, out of the environment, so you don't get leaching.

**Mr. Philip:** This reduces the amount you have to put down.

**Hon. Mr. Snow:** It certainly stops the leaching of straight piles of salt into the ditches and streams. We've had this program of building a number of these salt domes every year. I don't know whether we've completed it yet. We're still building some every year.

Municipalities are also building them. Out on Highway 401, in the region of Halton's yard, they used to have a big pile of straight salt sitting up there, and they had problems with rains leaching into farmers' fields. Last year or the year before they built a new salt dome and there have been no problems since.

Another thing is with a year like last year, when there was perhaps a lot of unused salt left over from the winter, it can be stored through the summer without leaching away and polluting the environment.

10:20 p.m.

**Ms. Gigantes:** Mr. Chairman, I have a supplementary if I could.

**Mr. Chairman:** There are three more to speak yet. Mr. Newman.

**Mr. W. Newman:** Mr. Chairman, I have really one very simple question. I could talk about the salt damage to the fruit trees and talk about my riding's roads and salt damage and well problems in other areas of my riding, but I really want to come back to a basic policy thing because I don't want to be parochial like everybody else is tonight, talking about their riding. I want to talk about basic highway development programs and construction work—what did you say?

**Mr. Philip:** I said in the Durham area.

**Mr. W. Newman:** You know where Durham is, do you? My question to the minister is: When you are widening whatever highway it may be, or doing some reconstruction work on a highway, or if you want to straighten it out, you want to solve the problem. Of course, when you go through those areas you do a very thorough job. I have to admire you for your patience and your staff's patience in dealing with these people in trying to sort out a problem.

When you run into a particular situation where you are trying to straighten a road or widen a road and you run into individuals who are very difficult to deal with—

**Hon. Mr. Snow:** I know exactly who you are thinking of.



**Mr. W. Newman:** Okay, I am not going to mention any names right now, but I am not talking about my riding, I am talking about overall when you try to accommodate people and you find it very difficult.

I have a three-point question: Do you expropriate to solve the problem? Do you try to negotiate with those people?

If you can't negotiate with them, do you try to solve the problem by not utilizing that property and getting a better route going? The reason for my question is because this pertains to all of your highways and I found that in my riding and in other areas you have been more than co-operative in doing these things.

Basically, when you are widening highways, when you are straightening highways, and when you are doing resurfacing and so on, what is your policy regarding buying land, expropriating land, trying not to expropriate land and dealing with people in those areas?

**Hon. Mr. Snow:** First of all, when the initial design is done, with the modifications that are felt necessary, there is a map drawn that shows additional property requirements that are necessary according to the design beyond the existing road allowance.

The next step is to try to negotiate the purchase of those widening strips with the land owner. I don't know what percentage of acquisitions we make that way. The appraisal is done and a negotiated settlement is made between the ministry, the property agent and the land owner. That is not always possible. If that is not possible then we have to consider expropriation.

The first step of expropriation is we have to have a case. As you know, a party being expropriated has the right, although many times they don't use it, to request a hearing of necessity. Before we decide to expropriate we have to feel we have a good case to put before the hearing officer to prove the necessity of this expropriation. If we don't feel we have a good case, it's not really of much use expropriating.

Although a lot of people will ask for expropriation and will not settle, just so that the case can be referred to the land compensation board, they won't ask for a hearing of necessity. They are not arguing about the necessity of the land. They just want to go through expropriation for tax or other reasons, because as you know under the Expropriations Act the person we are expropriating can take that money and buy other property and does not have to pay capital gains tax on it.

If we figure we have a good case we will go before a hearing officer with our case and

in most cases the hearing officer will tell us the expropriation is fair and reasonable and in the public interests. Then we will go through with expropriation. We still try to settle with the individual monetarily. If we can't, it goes to the board of negotiation. The board of negotiation will recommend settlement which is not binding on either side. If both sides don't agree to that, then it goes to the land compensation board which makes the decision.

To get back to the other part of your question, if we feel we haven't got a good case to prove necessity, then we may try to modify the design in some way. It may even involve building a retaining wall. It may cost us more money to build a retaining wall rather than buy an extra 10 feet of property and have a slope on the embankment. So we may modify our design to eliminate the need for expropriation or move the centre line over or something in that case.

With highways, I find it a little different from when I was in Government Services. When you are building a highway you pretty well have to build it where the highway has to be, and it's a little different proving necessity. When you are Government Services and want to build an office building or a cow house or whatever, it is pretty hard to expropriate land for that because it's very difficult to prove necessity, that you need this piece of land. You can move down the road a half mile or across the road or something and build your building. When you are widening an existing highway or even building a new right of way it's a different situation.

**Mr. W. Newman:** Mr. Chairman, just follow through, I have another question but I don't want to be—

**Hon. Mr. Snow:** I have some figures here just as a matter of interest, before we leave that. In 1979-80, we acquired 1,200 parcels of land by agreement. We applied for 3 applications for expropriation and there were five hearings of necessity out of those 3 applications. There are some hearings pending. That was the 1979-80 year, so you can see that we settle with most people in normal negotiations.

**Mr. W. Newman:** My other question I don't want to interfere with the court but you have before you litigation on damage by salt to trees. I am talking particularly about the Niagara Peninsula right now. Is there litigation on the books now moving forward on salt damage to fruit trees?

**Hon. Mr. Snow:** Yes, apparently we have. I wasn't aware of it.

**Mr. Wilkes:** With respect to peach trees, there is litigation and I am not sure of the date it's at, but it's pending.

**Mr. W. Newman:** Following through on that, may I ask another question on litigation? Is there litigation anywhere else in the province on other kinds of trees that have been damaged by salt from the highways?

**Mr. Wilkes:** I don't think so.

**Mr. W. Newman:** So the only area where you have litigation at this time is on the fruit trees in the Niagara Peninsula, especially peach trees which are rightly susceptible to salt?

**Mr. Wilkes:** Right.

**Mr. Nixon:** There are only a couple of minutes left, so I won't put this in the form of a question. Since Highway 2, between Brinsford and Eastwood, is the busiest two-lane road in Ontario and it will be relieved by the building of Highway 403 up to Eastwood eventually, I hope the ministry will continue paying attention to the improvement of that road because of the heavy traffic until 403 opens.

There have been a number of complaints. Householders have to seal their doors to keep the dust out, because those big trucks chip it up off the shoulder. I know your officials have tried to keep the calcium on it but the graders go over it a couple of days later and the calcium is lost. I would suggest, if we are looking at four or five years, these shoulders should be paved.

My second point is, there are two roads in my area which I would like you to consider designating by something other than a number. The road that Governor Simcoe built from the head of navigation at Dundas through to Detroit is called, all the way along at different stages, the Governor's Road. It starts off as Highway 99, becomes 5, becomes 2 and so on. It could become a very good tourist concept to have a road going through there—there are very scenic, beautiful towns like Paris and so on—called the Governor's Road. You could even keep a number on it, but right now I suggest the

130 p.m.

The second one is Highway 54. It starts down around Caledonia, Cayuga. It comes right up along the Grand River, up through to Brantford. It is a beautiful road which runs right through the Six Nations Indian Reserve. It could be called the Mohawk Trail or the Six Nations Trail. The Indians actually came across after the revolutionary war and settled there right around the river

and it is beautiful. There are spots of the highway that are not too good, but it is not designed to be a speedway.

There are a few new restaurants and tourist attractions, boat trips on the river and so on. I just suggest it to you; I think it is a good idea and I hope you do too.

I want to say something about the speed limits. I think I have expressed my view on this.

**Hon. Mr. Snow:** Is your foot still a little heavy?

**Mr. Nixon:** I am down to four points, but I will tell you that on the Queen Elizabeth Way, which is what I drive all the time, if you set the cruise control at 100 kilometres and you are in the right lane you are still holding up the slow traffic. The average speed along there is about 120, and the fast lane is probably about 125 to 130.

I really like the concept of the 85 percentile. That is, 85 per cent of the people are judging the speed for themselves and they make a sensible judgement. I believe the speed limit ought to be set as closely as possible to what the people would tend to drive. Most of them would drive sensibly. There are some who are going to be speeding, and you can nick them, whoever they are, it doesn't make any difference.

That 100-kilometre speed limit on our good roads is making people scofflaws. You are wasting your police patrols and I accused the Attorney General for doing it for revenue purposes. I appreciated what you said regarding the statistics about the very high increase of damage and death and you said you were not sure what caused it. It just seemed people were not paying attention, and I think you are right. People who say it is as a result of speed are wrong, and I think all the studies show that is so.

I just want to tell you the statistics indicate the saving in fuel is irrelevant; it is less than 1 per cent, probably a half of a per cent.

**Hon. Mr. Snow:** No, I don't think you are right on that.

**Mr. Nixon:** All right, we do not have time for this but we will have to continue it.

**Mr. Chairman:** Mr. McGuigan, you had a question?

**Mr. McGuigan:** Just a quick one. Most of my problems get solved by the district engineer. He is very co-operative, so you hear from me very seldom.

However, on Highway 3 at Blenheim—and I mentioned this a year ago—there is an

old railroad bridge with a sign on it, 15 tonnes, I guess the metric tonnes. Trucks go across there which must be 50 tonnes. Have you got a date or anything to indicate when that bridge will be replaced?

**Hon. Mr. Snow:** What we are proposing to do is remove the structure, and the timing is for 1981. It is scheduled to be awarded in the 1981-82 fiscal year, which is next year's program, so when you get your green book next year we hope it will be in there.

**Mr. McGuigan:** I have very few complaints about the highways in my riding; they are all good.

**Mr. Chairman:** The committee will meet next Tuesday. I must warn you, you have five hours; including this vote there are five

votes to complete. You have completed four votes in 15 hours.

**Mr. Philip:** Ms. Gigantes has a question.

**Mr. Chairman:** She says she wants to say something about salt and I cut her off because we have gone beyond our time. It is up to yourselves if you want to carry the vote.

**Mr. Philip:** Surely we can be flexible enough to carry the vote and still allow her to ask a question?

**Hon. Mr. Snow:** If she is imaginative all she can ask about salt on municipal roads.

Vote 2604 agreed to.

**Mr. Chairman:** Vote 2606 will be next on Tuesday evening.

The committee adjourned at 10:34 p.m.

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### From the Ministry of Transportation and Communications:

Gilbert, H. F., Deputy Minister

Wilkes, J. B., Executive Director, Highway Engineering Division





No. R-16

# Legislature of Ontario Debates

## Official Report (Hansard)

**Standing Committee on Resources Development**  
Estimates, Ministry of Transportation and Communications



**Fourth Session, 31st Parliament**

Tuesday, May 20, 1980

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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# LEGISLATURE OF ONTARIO

## STANDING COMMITTEE ON RESOURCES DEVELOPMENT

TUESDAY, MAY 20, 1980

The committee met at 8:04 p.m. in committee room No. 1.

### ESTIMATES, MINISTRY OF TRANSPORTATION AND COMMUNICATIONS

(continued)

On vote 2606, air program:

**Mr. Chairman:** All parties are represented. We are on vote 2606, air program. Mr. Cunningham.

**Mr. Philip:** Wait a minute, Mr. Chairman. I thought our understanding was that tonight we would be doing communications.

**Mr. Chairman:** That is right, transportation and communications.

**Hon. Mr. Snow:** Mr. Philip, as I recall, when we adjourned last Thursday night you said you had only a couple of questions on it.

**Mr. Philip:** I am open to doing air and communications as long as we are not going to spend the whole evening on air and not get around to communications. Does Mr. Cunningham have very many questions?

**Mr. Cunningham:** My questions really would be per capita ratio expenditure to the total context of this \$1-billion budget, which means we don't have any.

**Ms. Gigantes:** I didn't quite grasp that.

**Mr. Cunningham:** It is an important expenditure and a key part of the ministry, but not in the context of a large \$1-billion ministry.

**Hon. Mr. Snow:** It is \$1.199 billion.

**Mr. Cunningham:** In the context of all the money the minister has, it is not that significant. Quite frankly, I think you are doing a good job in that regard. It is very important in terms of the development of the infrastructure of northern Ontario, but I am not a conversant with it as I would prefer to be. If the minister would like to take the cities to Attawapiskat some time or show the new airport at Geraldton, I would be very amenable when the black flies have gone.

Failing that, I don't want to go and I don't have any questions.

**Mr. Philip:** I am wondering if the minister has seen an article in the Ottawa Citizen on November 27 which has the headline, "Government Planes May Be Unsafe." It says: "Canada's guardian of air safety may be flying some of the most unsafe planes in the country, a federal inquiry was told on Tuesday." It deals basically with the fact that certain planes run by the federal government are deemed to be unsafe. As a more general problem before we get into that, I wonder what input this ministry may have had into the federal commission of inquiry on aviation safety. Has your ministry been monitoring it or have you made a presentation before this inquiry?

**Hon. Mr. Snow:** All I can say to that is that, as I am sure the honourable members realize, the regulation of the aviation industry is totally a responsibility of Transport Canada. I have personally a very keen interest in it. Following certain accidents in northwestern Ontario, both my colleague the Minister of Northern Affairs (Mr. Bernier) and myself urged the third removed Minister of Transport to proceed with an inquiry into aviation safety. I wouldn't say that as a ministry in Ontario we had a great input into it, other than supporting a study of aviation safety. I guess the greatest input I have had personally is in meetings with Transport Canada urging an improvement in air navigational aids in northern Ontario.

I think our air navigation aids in southern Ontario are reasonably adequate although they are antiquated. I know I object personally to having a \$5,000-piece of equipment in my aeroplane that is supposed to tell the tower how high I am above sea level when Transport Canada doesn't have anything in its control towers to read that piece of equipment. If I want to check it out, I have to fly at 6,000 feet over London and call Cleveland Centre to get them to give me a read-out to know whether it is working or not. I know a major program of updating the air navigation aids in southern



Ontario is under way, although there have been criticisms recently from the air traffic controllers that the equipment will be antiquated before it actually is commissioned. We have made very major submissions to Transport Canada on the need for navigational aids in northern Ontario—VORs, VORTACs, non-directional beacons and air service centres which would be available to give weather information.

8:10 p.m.

Weather information is perhaps one of the most important things in air safety. There is quite a lack of that in northern Ontario, especially in one of the areas that has been of great concern to me, the north shore route from the Sault to Thunder Bay. That has improved recently. With a new VORTAC station at Wawa and, hopefully, another one coming in the not-too-distant future in the Terrace Bay area, facilities around the north shore will be improved greatly when those two are in operation.

The submission we made to Transport Canada for the improvement of navigational aids in northern Ontario initiated a study by both the Toronto region and the Winnipeg region of all the aids in northern Ontario. The recommendations that came out of those two studies by Transport Canada were heartily endorsed by myself and by my ministry. Unfortunately, because of financial constraints, we have not been able to get a commitment as to exactly when these new navigational aids will be in service. We would like to see them proceed. We endorsed their plan and asked them to proceed as quickly as possible. They are working on it, but it will be a few years before we have a complete navigational aid system in the north.

**Mr. Philip:** My understanding is that there seems to be two sets of rules—one for larger aircraft and another set for the smaller. In fact, some of the jet-powered, smaller ones for 30 passengers or so weigh less than the cutoff figure. Therefore they do not in any way have to come up to the kinds of standards that have been set by Transport Canada for the larger passenger aircraft. Is that your understanding?

**Hon. Mr. Snow:** Not to my knowledge. There is one set of air regulations for all aircraft. They follow the same set. There are minor differences as far as licensing requirements for crew members are concerned. I am licensed to fly a single-engine, float plane or land plane or a twin-engine land plane up to 12,500 pounds. If I wanted to go over

12,500 pounds, I would have to get a different set of checkouts.

**Mr. Philip:** Are you aware of the accusations made before this inquiry that large aircraft companies are expected to do their own inventories? In fact, the inquiry has discovered that Transport Canada had not fully audited Air Canada's maintenance practices for more than 10 years. The same thing is happening in CP Air and Pacific Western. They can draw up their own maintenance schedules without any kind of auditing of the maintenance practices by Transport Canada. Has this government or have you as Minister of Transportation and Communications had any input into that as a safety problem?

**Hon. Mr. Snow:** I would say not. We have not attempted to monitor Air Canada's maintenance schedules or their policies. I have no reason to believe we should. I think with Air Canada, CP Air, Pacific Western—the ones that you mentioned—there has never been any question as to the competence of their maintenance programs.

**Mr. Philip:** Air Canada is still flying DC-8s. People in my riding are certainly aware of them. We know they are the noisy ones that the federal government promised years ago would be phased out as a way of assisting people in the Mississauga and Etobicoke areas with the noise problem. They are still flying overhead. Yet a lot of research seems to indicate that the longer the life of the plane, the more the DC-8 could pose major problems in terms of stretch ing and so forth.

Have you dealt with your federal counterpart in expressing any concern about the need for encouraging the phasing out of these rather old aircraft that are not only posing a possible safety hazard, but also noise problem to all of us in the airport regions?

**Hon. Mr. Snow:** I don't think any one has suggested, other than yourself, that the present DC-8 fleets of Air Canada or CP Air are creating a safety hazard.

**Mr. Philip:** There certainly is research that seems to indicate that as aircraft become older a problem with metal fatigue arises. This may well be a problem with the DC-8s or any other plane of that vintage. Are you suggesting that is not the case?

**Hon. Mr. Snow:** I am suggesting that the maintenance procedures carried out by Air Canada and the other scheduled airlines are such that it is not a problem. There are

mainly are a large number of those aircraft being phased out of operation as they are replaced with newer, more modern, larger capacity and more fuel-efficient aircraft. On the other hand, there are re-engining programs going on now, mainly for Boeing 707s, but probably similar programs for DC-8s. A number have to be converted from passenger service to cargo. New engines are being applied to them that give them the same noise characteristics as the newer aircraft. It is not the air frame that creates the noise, it is the engine.

**Mr. Philip:** It is also a problem of the planning. In the United States under American airport noise regulations, Air Canada has had to refan to meet the noise standards when going into certain American airports. Our federal government has not seen fit to require that same kind of standard at Canadian airports. Is that not correct? In other words, the DC-8s that are flying from Toronto to Montreal do not have to be at the same standard of noise emissions as those flying into certain American airports.

**Hon. Mr. Snow:** Noise emission standards basically, apply to a particular time frame. When the FAA and MOT establish noise standards they must be met within a certain time frame. I don't think those standards are too much different from the United States standards.

**Mr. Philip:** To put it another way, is it not true that Air Canada has refanned a number of its aircraft to meet the standards in the States but that they are flying aircraft that are not refanned into our airports because they do not have to meet those same standards?

**Hon. Mr. Snow:** What do you mean by refanning?

**Mr. Philip:** The changing of the fan mechanism. I am not a aircraft mechanic but I understand there are certain things one can do to a DC-8 that will make them quieter.

**Hon. Mr. Snow:** You put a new engine in them.

**Mr. Philip:** Then you refan them or you change the blowing mechanism or whatever it is.

**Hon. Mr. Snow:** In all due respect, Mr. Philip, that is part of the new engine. You have a fan jet engine. You don't come along and put a fan on the back or the front of an existing engine.

8:00 p.m.

**Mr. Philip:** Accepting that, I will repeat the question again. Is it not true that Air

Canada has changed or modified those planes that are flying into American airports but has not been required to do that in flying the same models into Canadian airports? Therefore, certain planes have been readapted to fly more quietly into American airports and the noisier ones are being used into Canadian airports.

**Hon. Mr. Snow:** I can't guarantee one way or the other whether that is right. I have no reason to believe it is. The new noise standards for all new aircraft and the noise standards that have to be met by existing aircraft by a certain period of time will apply to all aircraft. I can't tell you whether Air Canada have reengined certain aircraft and are flying them on certain routes. The only reason I would know about that is my interest in aviation personally, certainly not as minister.

**Mr. Philip:** If you were to find out this is the case, would you not feel as provincial government minister concerned about aviation that you would have certain obligations on behalf of your constituents, the people in Ontario, to make your views known to the Minister of Transport in Ottawa, suggesting the air lines meet those kinds of standards and change the standards on existing planes? The federal government could put pressure on Air Canada either to phase out the DC-8s since the federal government made an election promise to do—Mr. Trudeau made that one of his promises some several elections back—or to set the same standards as American airports.

**Hon. Mr. Snow:** I can get the information for you on Canadian standards versus American standards. Basically, from an aviation point of view, the standards are normally so close to parallel that one cannot differentiate between the two.

**Mr. Philip:** I would appreciate if you would check into that particular fact and let us know what your position will be the next time you have one of your many meetings with the federal Minister of Transport.

**Mr. G. I. Miller:** Mr. Chairman, I don't know if my question would come under vote 2606. What assistance is available for airports in southern Ontario? Do you have a program? Is it strictly for the north or is there some assistance for southern Ontario too?

**Hon. Mr. Snow:** No. At the present time our airport assistance program for both capital and maintenance subsidies is for northern and eastern Ontario. We have no program in so-called southern Ontario.

**Mr. G. I. Miller:** I know the region of Haldimand-Norfolk has an industrial commissioner who is really trying to promote industrial parks around air strips. It seems that may be a direction that would be fairly useful. He had a speaker from Ohio over to talk to the industrial people and regional people of Simcoe about a year ago. I think every county in the state of Ohio had an industrial airport with an industrial park around it. I wondered if the ministry was planning, promoting and assisting along that line. It seems to me it might be the way of the future and I wondered what your views might be on it.

**Hon. Mr. Snow:** We have somewhat of a problem. I can't tell you at this moment what the outcome of our air program is going to be related to airports in southern Ontario. There used to be a federal government program assisting municipal airports by way of grants. About a year and a half ago or thereabouts, I got a telegram from Mr. Lang saying the federal government was withdrawing totally from the airport assistance program as far as municipal airports were concerned.

Our program started out about 10 years ago to assist northern Ontario municipalities in upgrading their airports and to build remote airports where there were no municipal organizations involved. That was capital only. About five years ago we expanded our program to give a maintenance subsidy to municipalities operating a municipal airport. The remote airports are now owned and built 100 per cent by this ministry and Northern Affairs. They are maintained 100 per cent by this ministry. We set up a subsidy program for the municipal airports. Then about four years ago cabinet approved an extension to our program to include airports in eastern Ontario. We have subsidized three or four airports in eastern Ontario. At this moment it does not include southern or southwestern Ontario.

With the total withdrawal of the federal government from the municipal airport program, we are looking at it very carefully. I expect to be bringing recommendations to our policy field into cabinet in the near future because my own feeling, with the total withdrawal of federal assistance, is that if we do not assist municipalities with their municipal airports they will disappear.

**Mr. G. I. Miller:** What is the rate of assistance in eastern Ontario? Is it the same as in northern Ontario, 100 per cent?

**Hon. Mr. Snow:** I never said it was 100 per cent in northern Ontario.

**Mr. G. I. Miller:** I thought you said 100 per cent capital and 100 per cent maintenance.

**Hon. Mr. Snow:** I said 100 per cent capital and 100 per cent maintenance in the remote airports, which are those ones where there are no municipal organizations. I said that very specifically.

**Mr. G. I. Miller:** What is the rate in the other areas of northern Ontario and eastern Ontario?

**Hon. Mr. Snow:** We subsidize 80 per cent of the capital costs of municipal airports in northern Ontario and eastern Ontario. The operating subsidy depends upon whether the airport has a scheduled air service or not. If it has a scheduled air service it gets a higher rate of maintenance subsidy than if it does not.

**Mr. G. I. Miller:** Is that 80 per cent too?

**Hon. Mr. Snow:** No, it is 50 per cent up to a maximum of \$25,000 for those airports that have a scheduled service. Below that there is normally a maximum of \$10,000 in subsidy—still 50 per cent, but with a maximum of \$10,000.

**Mr. G. I. Miller:** Do you intend to go to the federal ministry and ask for support or suggest it might be able to improve on that?

**Hon. Mr. Snow:** That's like whistling up the creek without a paddle.

**Mr. G. I. Miller:** I don't know. They have some new members down there now.

**Hon. Mr. Snow:** They also have a new minister. I have already talked to him.

**Mr. G. I. Miller:** It depends what kind of a tune you whistle to him.

**Hon. Mr. Snow:** I agreed with Mr. Mazankowski, and Mr. Pepin has confirmed the agreement, that the federal government will be responsible for navigational aids. But don't think there is much chance of their getting involved again in municipal airports.

**Mr. G. I. Miller:** What about the Mount Hope airport? That is a federal airport isn't it?

**Hon. Mr. Snow:** Mount Hope airport is federal airport. It is not considered a municipal airport.

**Mr. G. I. Miller:** There is no participation by your ministry?

**Hon. Mr. Snow:** Only in an advisory capacity.

**Mr. G. I. Miller:** To your knowledge, there any movement on that?

**Hon. Mr. Snow:** No movement.

**Mr. G. I. Miller:** No development?

**Hon. Mr. Snow:** No development, just promises.



**Mr. G. I. Miller:** Nothing concrete?

**Hon. Mr. Snow:** We don't have any concrete proposal. They've done a number of studies and have come out with some suggestions. We have made our input to them as to which one of the concepts we think they should proceed with, but as of this moment I don't have a scheduled construction start for any bulldozers to move on the site.

3:30 p.m.

That is a federal airport. That is not considered, as far as we're concerned, to be a municipal airport or one to which we would contribute.

**Mr. G. I. Miller:** Will you be involved in any of the roads? Have there been any plans made along those lines?

**Hon. Mr. Snow:** Naturally, we'll be involved with the roads.

**Mr. G. I. Miller:** Have you any plans to hook up to Highway 403 and Highway 6? I notice in the long-range planning that there is nothing really for the 1980s. I don't see any connecting link between Highway 403 and Highway 6 to get up to Nanticoke.

**Hon. Mr. Snow:** We will not implement any program into our schedule to build any major highway link to an airport that doesn't exist.

**Mr. Cunningham:** You almost got caught that way before.

**Hon. Mr. Snow:** If the need is created, we would then plan the improved road access to it.

**Mr. G. I. Miller:** There certainly is a need to get to the industrial park at Nanticoke from Highway 403 via Highway 6 to Mount Hope airport and then on to Toronto. I use that road every day. I have to cut off at the Rascals, then go down to the Glanford road, through Ancaster, along Southcote Road and on to Highway 403. It is the most direct route with the least amount of traffic. In the long-range planning, I don't see any connection between Highway 403 and that particular area. That would perhaps eventually service the Mount Hope airport. It will get off the ground, I'm sure, sooner or later.

**Hon. Mr. Snow:** I foresee a connection from the new Highway 6 by Mount Hope airport connecting out to Highway 403, but we certainly haven't anything scheduled for it at this moment because there is no airport there.

**Mr. G. I. Miller:** I don't see it in the long-range planning, and that is the thing that concerns me.

**Hon. Mr. Snow:** We don't start-long-range planning on myth.

**Mr. G. I. Miller:** There is no myth. The industrial park is there.

**Hon. Mr. Snow:** What industrial park?

**Mr. G. I. Miller:** At Nanticoke, and the hook-up to Toronto is the most direct route.

**Hon. Mr. Snow:** Are we talking about Mount Hope airport or are we talking about Nanticoke industrial park? We're jumping back and forward.

**Mr. G. I. Miller:** They will probably be going together.

**Hon. Mr. Snow:** They're a long way apart, as far as I'm concerned.

**Mr. G. I. Miller:** The planning is a long way apart too.

**Mr. J. Reed:** Mr. Chairman, it is not too common an occurrence when a member brings a problem to his constituent. I would like to ask the minister tonight if he has any jurisdiction over the licensing of flying schools or the controlling of flying schools?

**Hon. Mr. Snow:** Absolutely none.

**Mr. J. Reed:** Is it totally in federal hands?

**Hon. Mr. Snow:** Totally.

**Mr. J. Reed:** Are the flying schools on private air strips or municipal air strips also totally in federal hands?

**Hon. Mr. Snow:** Very much so.

**Mr. J. Reed:** You have no jurisdiction over landing routes, circuits or anything at all?

**Hon. Mr. Snow:** No.

**Mr. Eaton:** What was it you said a minute ago about contacting the feds?

**Mr. J. Reed:** Since the honourable member brought it up, I'll feel very free now to contact the federal people.

**Hon. Mr. Snow:** He's got a good federal Conservative member on both sides of him.

**Mr. J. Reed:** I wish I could get hold of the one I need to in this case.

**Mr. Chairman:** Are there any more questions on this vote?

Vote 2606 agreed to.

**Mr. Philip:** Perhaps the members would like to know that the vote is 58 per cent for no and 41 per cent for yes in the Quebec referendum.

**Hon. Mr. Snow:** What happened to the other one per cent?

**Mr. Philip:** I don't know.

**Mr. Eaton:** Undecided.

**Mr. Chairman:** Is that the last result?

**Mr. Philip:** Yes.

**Mr. Eaton:** That is 40 per cent of the vote reporting.

**Mr. Chairman:** It would be a little bit more than that in Montreal.

**Mr. Eaton:** No, that's what was up there a minute ago.

**Hon. Mr. Snow:** Mr. Chairman, do we wish to go to the communications vote now? We have the appropriate people here.

On vote 2609, communications program:

**Ms. Gigantes:** Mr. Chairman, in the document called Submission to the CRTC Committee on Extension of Service, dated March 3, 1980, there is a reference made to a submission which the ministry intends making to the commission by May 15 on the matter of Canadian content. Is that submission available?

**Mr. Hobbs:** The submission date has been changed to some time in July on that.

**Ms. Gigantes:** Is it available?

**Mr. Hobbs:** No.

**Ms. Gigantes:** Can you tell me why? Have the hearings been set back on that question?

**Mr. Hobbs:** I think right now the CRTC is overloaded. It also has a number of inquiries or requests from a number of parties that wanted to do more work on their submissions. That is the basic reason.

**Ms. Gigantes:** Mr. Chairman, I come to this subject really as a novice, but it is one I feel is very important both in a Canadian and in a provincial context. My feeling, sitting in Ottawa and reading what has been happening at the CRTC over the last year or so, has been that we've really come from a national consideration of communications policy to a stage one might describe as chaos. It is very difficult to sort out what is going to be happening at the federal level, but I don't see anything happening at the federal level that looks very promising.

I was interested in the minister's statement, in his discussion on the resolution concerning the referendum, about his interest in seeing redistribution of authority in the field of communications, particularly broadcast communications, satellite and pay TV services. I would like to try to get an understanding from the minister and from his staff of the basic elements of the submission that Ontario has made to CRTC. I would like to try to understand it in terms of what areas the government feels the province should have jurisdiction in more specific terms than I can understand it from this March 3 submission. Also I would like to

get an understanding of the provincial government's familiarity with what the economics of the new developments in communications are going to be, particularly within this province. I would like to know if there are background studies by the ministry on the financial implications of one choice as opposed to another choice as we develop communications policy at the national and at the provincial level.

I would like to be able to inquire, more particularly, about what the ministry calls a flexible approach in its submission to the CRTC. It seems to me to be an approach which permits the danger of a total loss of control of the broadcasting industry in Ontario and in Canada as satellite communications expand.

I would like to get a general kind of understanding from the minister of those areas in which he particularly feels provincial authority should be paramount, or might perhaps share, and those areas where he feels that national authority must be paramount. I would like to get some understanding from the minister and his staff about the economic implications of the developments they look for or foresee, and also an understanding of what is going to happen to Canadian communications if we permit the entry of American satellite services in Ontario and Canada on even a temporary basis, which seems to be suggested by the ministry submission.

8:40 p.m.

**Hon. Mr. Snow:** I don't know how I am supposed to answer that scatter-gun question all at one time.

**Ms. Gigantes:** My attempt is to get, not a scatter-gun or a terribly particular sense, an understanding of the overall approach, what you feel is appropriate and to get better understanding of the implications, both financial and in terms of Canadian content that would flow from these recommendations.

**Hon. Mr. Snow:** I have said, I am sure, dozen times in the last five years that it is Ontario's opinion that the control of the air spectrum of broadcasting and the content of content of broadcasting is totally a federal role and that we don't argue that point at all. The off-air signal doesn't know municipal and provincial boundaries. We recognize that as a national interest and a national domain that the federal government should maintain.

One of the main points we have been making is on provincial jurisdiction over cable television distribution systems, which are basically local systems and which are

with possible minor exceptions, an interprovincial system. They are a distribution of a signal that is picked up at some point off-air by microwave or by satellite which is distributed within a municipality or an urban area. We feel that is something that could and should be regulated at the provincial level.

The Minister of Northern Affairs (Mr. Bernier) has made submissions to the CRTC and to the federal minister with regard to signal availability in northern Ontario. There's no lack of signal availability in Metropolitan Toronto or in Ottawa, or in Oakville or in Windsor where, with an off-air antenna, one can get pretty well the full spectrum of signals, both American and Canadian, but there are many areas of this province that have the availability of one signal only. When one has a television set with 13, 15 or 26 notches on the dial but only one of them works, it is somewhat frustrating.

We have been attempting to get better broadcasting facilities into northeastern and northwestern Ontario. This is really where our main interest in satellite broadcasting comes into the picture. It is somewhat interesting when we go to the federal-provincial communications ministers' conferences. The prairie provinces are not interested in satellite, for instance, for several reasons; Ontario is very interested in satellite; Newfoundland is very interested in satellite; British Columbia is quite interested in satellite. We really see satellite broadcasting as the way of getting a reasonable choice of signals into those remote communities that it is very difficult to serve in any other way. That is why we have put forward our position to the federal government on the way we think satellite broadcasting should be expanded.

**Ms. Gigantes:** When Ontario says in its commendations that it is interested in having satellite services opened up in order to meet the needs of remote areas and to meet the needs of cable companies, am I to take these two needs as one? In other words, are you talking about cable companies only in remote areas?

**Hon. Mr. Snow:** We are talking about the cable companies in the more remote and smaller communities of the province. The cable companies here in Toronto can get all the signals they want without satellites.

**Ms. Gigantes:** It seems to me we are discussing two areas or perhaps three here. One is extension of service in remote areas of Ontario where you see the satellite playing

a role there. It may not play that role in other provinces.

**Hon. Mr. Snow:** We have had experimental programs going on. We have an experimental program of our Ontario educational TV channel being microwaved from Toronto to Ottawa, where it is beamed up from Ottawa to the satellite and down to northern Ontario where we have, jointly with the federal Department of Communications, promoted the installation of satellite receiving dishes, some of them on individual homes and some of them on the head ends of small cable TV sets. We have done this as an experiment so that we can put the TVO signal right into individual homes in northern Ontario via the satellite.

**Mr. Gilbert:** One thing you have to keep in mind is, as the minister says, when you have only one signal or no signal you are going to get a signal by one means or another, whether it is legal or illegal.

**Ms. Gigantes:** That is happening.

**Mr. Gilbert:** That is right.

**Ms. Gigantes:** And not only in Ontario.

**Mr. Gilbert:** That is why we have ended up with Atlanta, Georgia, and places like that being picked up not only in our remote communities, but other remote communities.

The same goes for bicycling. As you know, one individual took some type of entertainment to those northern communities, though not the best. That is what happens when you don't make a real attempt to try to get some alternate broadcasting in there.

**Ms. Gigantes:** I think you are preaching to the converted.

**Mr. Gilbert:** Oh, good.

**Ms. Gigantes:** This party has always supported the extension of broadcast services to northern Ontario. I think you are well aware of that, so I won't belabour it. I am no expert in the area, but I would like to know what role you see yourself playing.

Let's look at what is happening in Ottawa now at the considerations of the CRTC. What the CRTC is dealing with is a bunch of presentations by various interested parties on how to open up the pay TV system. Presumably, the next step will be how to open up the satellite market.

We are talking about very large markets which will have enormous financial spin-offs and other considerations and will have an enormous effect on the content of the services received in homes in Ontario among others.

8:50 p.m.

I would like to know how the minister differentiates between the satellite service



he wants to see providing extension of the basic service in remote areas in this province and what the government objectives are in terms of this terrific market that entrepreneurs are really anxious to get into now. This brief seems to me to confuse the two issues.

**Hon. Mr. Snow:** No, I don't think it confuses the two issues at all. Our positions on satellite and pay TV are really two different things. There are major CRTC hearings going on, as you know, right now in Ottawa, which were set up by the previous minister, David MacDonald.

**Ms. Gigantes:** Yes, but you are not suggesting that your position on satellites—

**Hon. Mr. Snow:** I'm not suggesting anything. I'm trying to answer.

**Ms. Gigantes:** But are you not suggesting that the government position concerning satellite broadcasting is related only to the extension of northern services?

**Hon. Mr. Snow:** No.

**Ms. Gigantes:** There seems to be very little specification of what the government's position is in the areas of developing services in pay TV and in satellite communications.

**Hon. Mr. Snow:** I tried to answer you but I got cut off at the knees there. It seems to be the way you want to do things.

**Ms. Gigantes:** I didn't notice you were cut off at the knees.

**Mr. Philip:** Would you answer that?

**Hon. Mr. Snow:** I tried to answer but, as I say, I got part way through and I got cut off.

**Mr. Philip:** We will give you plenty of time.

**Ms. Gigantes:** Please.

**Hon. Mr. Snow:** They obviously don't want the answer.

**Mr. Philip:** We are waiting for the answer.

**Ms. Gigantes:** If I owe you an apology, you have it.

**Mr. Philip:** Do we have to genuflect in order to get an answer out of you?

**Ms. Gigantes:** I didn't mean to cut you off.

**Hon. Mr. Snow:** You sure as hell did.

**Ms. Gigantes:** I'm very sorry. I didn't know if I had made my question clear.

**Hon. Mr. Snow:** Your question was quite clear as far as I know.

**Ms. Gigantes:** Oh, listen.

**Hon. Mr. Snow:** I attempted to try to tell you that the previous minister, Mr. Mac-

Donald, asked the CRTC to have a new set of hearings on the pay TV issue. He asked certain provinces to make a recommendation on provincial representatives who would sit with the CRTC members in hearing the pay TV presentation. Mr. Hobbs is Ontario's recommendation. He was accepted by the federal government and is sitting as a CRTC member at the present hearings on pay TV along with Dr. Warrack, the former minister of communications from Alberta, who is also a member. There is one from Saskatchewan also.

**Mr. Hobbs:** And one representative of the Inuit.

**Hon. Mr. Snow:** That is four outside representatives who are sitting with the CRTC members in hearing this latest round of proposals on the whole matter of pay TV. Maybe Mr. Hobbs would like to make some comments on the proceedings, presentation and briefs that are being submitted by the many cable companies, the CBC and many other interested parties that made presentations to the committee.

**Mr. Gilbert:** Including the province of Ontario.

**Ms. Gigantes:** This is the presentation?

**Mr. Philip:** The March 3, 1980 submission is the presentation you are talking about?

**Mr. Hobbs:** That's the government of Ontario's submission to the CRTC committee.

**Ms. Gigantes:** And it is that which I want to inquire about. I would like to understand better the position of the Ontario government about what should be happening with pay TV in the large, rich markets of Ontario.

**Hon. Mr. Snow:** We have said many times we feel pay TV is a new service that should be available. We have said it should not be another CBC set up to have a monopoly on pay TV across the country. We have recommended the pay TV system be on a pay-program rather than a pay-for-channel system. If you want a program, you pay for it; if you don't, you don't have to pay for it.

**Mr. Philip:** May I ask a supplementary question? I want to address myself very specifically to the recommendations in the front of that brief. I want to ask the minister about the third one on page iv. I only have a photocopy. I don't have the brief here.

**Mr. Snow:** "The demand for additional choice should be met by the distribution of Canadian stations—which could include CHCH, CTV, Global, Multilingual TVA and TVO—in 1

erence to the distribution of US stations via satellite. Specialized, user-supported services—including pay TV—should also be available.” Then the next recommendation says: “Those interested in distributing services via satellite should be permitted to do so.”

I ask the minister if those two recommendations are not in some way contradictory unless you spell out specifically whom you are talking about. I would like to know who “those” are. Are they American or foreign companies that have the money to buy the services of the satellite, which are very expensive, as you point out in your presentation? Are those two recommendations not in some way contradictory? If they are not, would you explain how one is compatible with the other?

**Hon. Mr. Snow:** They are very compatible. We are talking about the demand for additional choice. Basically, we have CBC programming available across most of Canada in one way or another by the main stations via local affiliates or whatever. We are saying that Canadian superstations rather than American superstations—and they could include CHCH-TV in Hamilton, an independent station not associated with any network, CITY, Global, Multilingual TVA in Toronto, and TVO—will, we hope, be able to buy or rent a satellite transitor or a portion of it.

We disagree with the satellite policy here in Canada of having to rent a full transitor when it could be rented by the hour or day or be shared. These stations could put their signal on the transitor and make it available.

**Mr. Philip:** The point I still don't understand is how you talk about increased—or preference for—Canadian content and then in the next breath say “We will let anybody in.”

**Hon. Mr. Snow:** Mr. Hobbs, you wrote his recommendation. As I read it and understand it, the next paragraph means those interested in distributing the services via satellite should be permitted to do so. You're talking about the ones in the paragraph before, are you not?

**Mr. Hobbs:** Essentially what the recommendation says is that the only services available on satellite right now are CBC and two experimental services, BCTV and TVO, within certain regions.

In terms of your question about loss of control, the situation is out of control right now. There are a number of people who have made submissions and comments that the only way to get the situation back under control is to license the illegal ground stations

and to carry American channels on Canadian satellites.

In some ways, this is preferable to having some of the Canadian stations on. What the recommendation says is that it is preferable to carry Canadian signals on Canadian satellites for distribution to remote and to rural areas, and they should be urged through various flexible means to get their signals on to the Canadian satellites, in preference to having American signals received illegally on American satellites or having American channels on Canadian satellites. There should be a freeing-up.

9 p.m.

Permitting people to use Canadian satellites really refers to the whole range of restrictions which have existed and continue to exist, all the way from high rates through to the ownership of ground stations, which have prevented Canadian broadcasters from going on Canadian satellites. We are still in a situation, after \$500 million of investment and seven to 10 years of having Canadian satellites in the sky, where CBC is the only television service available on satellite.

**Ms. Gigantes:** Perhaps I have not asked my question properly. I understand what you are saying when we are talking about the extension of services to areas where only one station can be received. Obviously, in those areas we are facing a situation which is, as you say, out of control. Something has to be done.

Perhaps we might leave aside the question of developing a Canadian superstation that might provide access to a variety of programming for people in remoter areas of the province, though we might come back to that because I wonder how many of those people would like the stuff on CITY or CHCH.

**Hon. Mr. Snow:** It might be an improvement over CBC.

**Mr. Gilbert:** That is the problem. We are always more or less caught out on the question of what people should see; that we know best what people should see.

**Ms. Gigantes:** I am not saying what people should see. Don't put words in my mouth.

**Mr. Gilbert:** What is wrong with CITY and CHCH?

**Ms. Gigantes:** There is nothing wrong with CITY. I just wonder whether people will be interested. That was what I said.

**Mr. Gilbert:** Let them decide.

**Ms. Gigantes:** That is fine. It was just one of your proposals that I noted. My question

was whether that is the kind of programming they want. The second question I have relates to page 52 of the recommendations. I will quote from paragraph two on page 52:

"Many Canadian cable subscribers already receive American channels imported by microwave. Existing CRTC regulations permitting the importation of three commercial and one noncommercial US signals should apply no matter whether the delivery technology is microwave and/or satellite." It goes on, "Reception off US satellites should be permitted until such time as a range of signals on Canadian satellites is available."

If I am understanding this brief correctly, they are not relating here to remote areas. They are talking about the Ontario market.

**Hon. Mr. Snow:** No, they are not.

**Ms. Gigantes:** It does not say anything about remote areas.

**Hon. Mr. Snow:** They are saying that cable subscribers receive American channels imported by microwave and existing CRTC regulations permit the importation of three commercial and one noncommercial US channels. If you are in Toronto, Ottawa, Windsor or wherever, you can get on your cable four US channels brought in by microwave.

What we are saying here is that if you are in Moosonee, Red Lake or wherever, you should still be able to get four US channels, limited by the CRTC. We say you should be able to get them, whether they are brought in by microwave or off the satellite.

**Ms. Gigantes:** If this paragraph applies to the extension of services to remote areas, it does not say that, and I did not understand that when I read it.

What is the position of the Ontario government in terms of the extension of service, which is going to happen through pay TV and/or satellite broadcasting in major urban centres where there already is a variety of programming coming through on the traditional methods we now have?

**Hon. Mr. Snow:** If that programming is coming in, they don't need it off the satellite.

**Ms. Gigantes:** What are the applications before the CRTC about?

**Mr. Hobbs:** There are a range of applications. Some relate only to getting a broader choice of conventional signals into northern, remote areas and even southern, rural, underserved areas.

**Ms. Gigantes:** If you can leave those aside, what about the rest?

**Mr. Hobbs:** There are proposals for an increased range of what you might broadly call pay services throughout to areas where

these are not available, such as a children's channel or a multilingual channel. Those are available in Toronto, but in a great variety of communities in Canada they are not available.

There have been proposals made to the committee to extend these enriched services or supplementary services to cable systems in various parts of Canada, which you wouldn't really call remote or really underserved.

The third category is pay services—in the conventional sense, the Home Box Office Showtime, movie type, et cetera.

**Ms. Gigantes:** Sports events.

**Mr. Hobbs:** Yes, specialized sports that exist in the United States. There have been proposals that this could be done on a regional basis, or the satellite could be used to extend that on a nation-wide basis. That is one of the issues that is going to have to be determined.

**Ms. Gigantes:** That is why I would like to know the Ontario position.

**Mr. Hobbs:** The minister has put Ontario position forth pretty clearly for some time. Pay TV should be introduced in Canada as a means of providing an alternate choice and also of generating new funds for Canadian program production.

I think one of the problems has been that there have been a huge number of proposals for the conventional pay TV that have received a great deal more media attention in terms of the hearings than some of the proposals for extension of service to remote or underserved areas. A lot of the pay TV proponents have indicated that the best way of getting extension of service to remote areas is to subsidize the cost of satellite service from the pay TV service. That is where it enters into the arena of these hearings as an issue.

The government of Ontario in its budget has indicated that funds from pay TV should not be used to subsidize hardware. There are a whole range of proposals that can be paid for in terms of the subscription basis that exists in the country without pay TV. Pay TV is a separate issue that I probably more pertinence to the large market areas of Canada. Funds that are generated by pay TV should go into Canadian program production and should not be siphoned off into subsidizing hardware which is already subsidized.

**Ms. Gigantes:** If we leave aside the question of subsidizing hardware and subsidizing service to remote areas and discuss the question of the large pay TV market, what



it comes in the form we now know it on cable or whether it is associated with satellite transmission in a pay service, does Ontario have a position about what company should be involved in that kind of extension of service?

I am talking about extension of what you call, I think, supplementary service or specialized service. Really we are talking about a potentially very rich investment market and high payoff, which is why we are getting such a rush of applications at the federal level. A lot of people are interested in simply cashing in on this market area as it develops, and as it is unleashed because it is ready to go as soon as we are ready to let it go. I would like to know what objective within Ontario the ministry sees in terms of content and in terms of reaping some of the financial benefit of that enormous market for the public programming needs and the public coffers of the province of Ontario.

Maybe it would help if I put an explicit question. We could assume, for example, that a prize fight between a fighter of the calibre of an early Muhammad Ali and a major contender would be watched by half the population of Ontario on a given night.

**Hon. Mr. Snow:** I would be one of the half that wasn't watching.

10 p.m.

**Ms. Gigantes:** I think probably if you looked at the market research on these kinds of initiatives, you would find that at least half the province would watch. They might gather one or two families together to watch and pay two bucks each to watch. We would have an event which would generate millions of dollars going to a private system of distribution and production, which wouldn't end up, unless I can see some kind of proposal coming out of Ontario, by benefiting either the quality of production that is available from Canadian sources here in the province or the public purse in Ontario.

**Hon. Mr. Snow:** Our philosophy in the presentations I have made to the conferences is that a substantial amount of the funding—profits, income, or whatever you want to call it—from pay TV should go into improved Canadian programming to create programs to put on pay TV that the Canadian people would want to watch.

**Ms. Gigantes:** If you are interested in provincial control over cable at this stage, which you say you are, then are you interested in having a provincial policy which

will ensure that is the case? What would that policy be?

**Hon. Mr. Snow:** I guess it all depends on whether or not we have the policy-setting role.

**Ms. Gigantes:** Suppose you did. How would you ensure the benefit you would like to see in terms of programming from Canadian Ontario sources for Ontario out of a system of paying for reception?

**Hon. Mr. Snow:** I think we have always taken the position—and Mr. Hobbs can correct me as it is almost a year since I made these presentations to the conference—that a substantial amount of the funding that is available through pay TV should be used for improved Canadian programming. However, Canadian programming should have to compete for the audience and should provide programming the audience wants to watch. There should not be somebody in an ivory tower in Ottawa, the CRTC, saying, "Thou shalt watch 50 per cent or 100 per cent Canadian programming," whether one wants to watch the damned thing or not.

**Ms. Gigantes:** I don't think 10 years from now anybody in the CRTC is going to be able to do that, whether he wants to or not.

**Hon. Mr. Snow:** That has been their attempt in the past.

**Ms. Gigantes:** I am leaving that possibility aside and I am asking you to assume you have control of one element at least of a pay system in Ontario, a cable system. Let us assume you have got what you say you want.

**Hon. Mr. Snow:** If we got what we say we want, we would be talking about controlling the hardware, the licensing of the cable TV system and so on.

**Ms. Gigantes:** What about the profits?

**Hon. Mr. Snow:** A very bad word in your mind, I know.

**Ms. Gigantes:** No. I love profits. I would just like to see them well invested on behalf of the people who generate them.

**Hon. Mr. Snow:** Basically, in our negotiations with Ottawa it has always been a no-no for provinces of any kind to discuss content. That was a federal domain really.

**Ms. Gigantes:** That's right.

**Mr. Hobbs:** In terms of determining precisely what the content is, and the means of ensuring that funds go into program production, this is what the Canadian content submission you talked about is going to be deal-

ing with. If you take a look in the Star tonight, there is a letter from Francis Fox, the Minister of Communications, responding to an editorial the Star had written on his initial policy speech. Really it outlines the whole range of possible mechanisms there are for funnelling money or getting, as the minister indicated, more Canadians watching Canadian programming. The only way we are going to do it is through higher quality programming which will compete with American programming.

In terms of the funding, the proposals have ranged from a very tightly regulated monopoly situation in Ottawa essentially controlled by the federal civil servants. They would say, "This money goes to this kind of program production," ranging through quality points and ensuring that a certain amount of revenue goes into Canadian program production. I think generally we have supported in the past some type of mechanism that relied more on the market than on a tight monopoly situation and which provided incentives for people to put money into Canadian programming. This is really more in line with what Mr. Fox indicated in his initial speech and in that letter, namely, essentially relying on the market and on certain incentive mechanisms which would provide benefits to people who put money into Canadian program production as opposed to just one pool.

**Mr. Philip:** As I understand your position in your brief before the CRTC, you distinguish between basic services and the new specialized optional services—pay TV and so forth. The minister's position, as I understood in the CRTC presentation, but not in what he said tonight, is that he would see network services that are considered basic—in other words, the CBC—CTV basic network or perhaps even enlarged to a CBC2—receiving some subsidy from the pay or extra services. Is that not correct?

**Hon. Mr. Snow:** No.

**Mr. Philip:** On page iii you say, "Where services are seen as basic—"

**Hon. Mr. Snow:** Where is that?

**Mr. Philip:** In your recommendations.

**Ms. Gigantes:** Your numbers are different.

**Mr. Philip:** Maybe my numbers are different, but I will read it to you.

**Ms. Gigantes:** Is it in the conclusion or in the recommendations?

**Mr. Philip:** I guess it is in the recommendations: "Where services are seen as basic, cost subsidization may be an appropriate mechanism to ensure universal availability. In the case of new specialized optional serv-

ices that are not essential, cross-subsidization among services, a form of taxation, should not be undertaken."

Suppose I develop a service of management training programs that I can send via satellite and merchandise to a number of companies across the country. You are saying that I will not be required to pay a fee that can subsidize another secondary service, such as perhaps an upgrading program in English as a second language to new Canadians or to native people. But, as I understand your position, if that additional tax that I am charged is not being used for those services but is being used somehow to subsidize or stimulate the production of Canadian programs, then those would have to go out, would they not, under what you call the basic services?

How are you going to send them out? You are not going to send them out under these new services; you are not going to send them out under the basic services.

9:20 p.m.

**Mr. Hobbs:** The basic service is a floor that should be available in all communities and which is almost available. Through the mechanism of the CBC or CTV or the educational service, it is within reach, with the potential for some subsidization from, say, the federal government, to get those basic services into the very small pocket where they are not available right now.

Over and above that, there is a whole range of services which are supplementary or additional which people may or may not want. One example I can use is a broadcaster out of Whitehorse in the Yukon who said he was going to put together a series of signals, including BCTV, CHCH Hamilton, TVA in Quebec and the independent station at Edmonton. He feels there is sufficient market appeal among the four programs that he can sell it and recoup enough money to pay for the satellite transmission and a certain profit. There is subsidization within that package in terms of the satellites but that is a purely internal subsidization for that package which makes it saleable and which makes it economically viable to put on the satellite. That is very different from the kind of subsidy we are talking about in terms of basic service.

**Mr. Philip:** If you generate X number dollars from pay TV, give me a specific where that subsidy then would go?

**Mr. Hobbs:** There wouldn't be any subsidy from pay TV. The potential for pay TV is not to subsidize other services. As soon



as you get into pay TV subsidizing one service, somebody can come along and say "I have got something which is very socially desirable; it should be added to the package and pay TV should subsidize it." Then you get into a complete and total jungle. If you have discrete packages that can finance themselves, they have internal cross-subsidization mechanisms that are discrete to those services themselves. But as soon as you get pay TV being looked upon by everybody as a source of subsidization of satellite hardware, the potential in terms of the funds that pay TV can generate for program production is going to be reduced.

A lot of people say the figures related to what is going to come out of pay TV are far overblown anyway. But as soon as you talk about pay TV subsidizing a range of other services, then you are into a great jungle.

**Ms. Gigantes:** I understand what you are saying there. Suppose Ted Rogers comes with a package which he says he can market, which will have enormous appeal in Ontario, which is composed of major sports events in North America and Europe, will it be the role then of the provincial government to generate money from that package, supposing that the provincial government has control over cable distribution in Ontario?

**Mr. Hobbs:** Yes, some funds from that should find their way into the Canadian program production.

**Mr. Philip:** How?

**Ms. Gigantes:** How does it happen in Ontario?

**Mr. Hobbs:** It can be done through a variety of mechanisms. We could require that a certain proportion of revenues go into Canadian program production, attaching certain incentives in terms of viewer-ship levels which can be tracked—they are doing that in the States right now—we can do it through the traditional means of simply requiring a certain number of hours in that package to be Canadian content. That's what we do now.

**Ms. Gigantes:** Suppose instead of that we provided competition from a public base? Suppose the government of Ontario said it could put together a package for a sports channel—a separate station that delivered all the excellence in sports around the world—and could generate revenues from that channel just as well as Ted Rogers can, but the government would have control of all the revenues it generated. We would, therefore, have the immediate ability to de-

cide what level of contribution to Canadian programming we wished to make and to decide what other uses we wished to put those funds to.

What I can't understand is why we are permitting the extension of a situation where a company like Bell Canada, or a couple of characters like Ted Rogers and Phil Lind, should set up the systems that Canadians will pay money for when they choose to use them. There will be no public benefit in terms of revenue except for a small margin, which is very undefined at this stage even in provincial terms, which will somehow be presumed to be creamed off and dribbled into quality Canadian programs. Isn't that an extraordinarily difficult and inefficient way of achieving the end we are looking for?

**Mr. Gilbert:** Isn't the objective really to get good Canadian programs? If you can get them by a requirement from the two gentlemen mentioned or some other group of people, is it necessary to have them done by government? Can you not get it by making that a requirement, whether it be those two gentlemen or three other gentlemen or three women?

**Ms. Gigantes:** It seems to me there is the potential for two objectives here. Certainly, when you look at the intensity of the application process that is going on in Ottawa, you can smell one of them, and it is money. A concern we all share is about Canadian programming and making sure the quality of Canadian programming is such that we will have something to offer in terms of quality to viewers in Ontario and in Canada. That is number one.

Number two is that this is an area where monopoly is natural. It is natural because we have seen it happen in the marketplace. Once you put aside Ted Rogers and Phil Lind these days, who have you got left? We are getting very rapidly to a monopoly position. The other company which is mentioned offhand is Bell. Bell can move in there and take over that whole distribution system very easily and would be quite happy to do it because it smells that money. It is like watching a body falling in water and the sharks are there. I would just like to know why we haven't got our mouths open.

**Mr. Gilbert:** Ms. Gigantes, you can see what happened in our remote north and northern communities. They have found a way around the problems, even around all the regulations that exist. As you know,



they are watching Atlanta, Georgia. I think it goes right back to what we were talking about at the beginning, that is, we are interested in good Canadian content and good Canadian programming, then we have not only to provide the mechanism to produce it, but also ways and means to get it out there to compete with Atlanta, Georgia, and with these other things. To be honest with you, I think if that happens, then Atlanta, Georgia, certainly won't be the only one.

**Ms. Gigantes:** My point is that there is nothing apparently different about a monopoly situation where one applicant gets a licence to bring in a sports channel, which is going to be an enormously profitable one. There is nothing inherent in that situation that precludes the monetary benefits generated by that kind of package and that kind of proposal and making that kind of program available to Ontario from being done by the best monopoly ever known on the face of this earth, which is a public monopoly.

**Mr. Hobbs:** I think there are two aspects of this. One is a monopoly over the physical distribution of services and the second thing has to do with having a monopoly over the provision of different kinds of programming services.

9:30 p.m.

The way the technology is going right now—and I think you actually indicated this yourself—is directly in opposition to it being really feasible to have one single source of programming. If we are going to produce better Canadian content in terms of programming, it is much preferable—and certainly the technological developments are moving much more in that direction—to have competing programming services and to require the monopoly cable distributor to provide access to different types of services, as opposed to having them in the hands of one monopoly.

**Ms. Gigantes:** Would you expect that if a superstation were set up and operating in the next 10 years it would be possible for either government or the enterprise that controlled the superstation to assure that it would have a position in the reception of homes of Ontario?

**Mr. Hobbs:** Do you mean a policy that requires access to different parts?

**Ms. Gigantes:** If Mr. X sets up a superstation out of Atlanta or out of Edmonton, has his business base there, his headquarters, and buys the services of a superstation and programs, such as enormously popular sports programming, is he going to be able technically to assure a market in the homes of Ontario?

**Hon. Mr. Snow:** A superstation, as I see it, broadcasting over a satellite transponder would not necessarily be a pay TV station. We all know how the economics of a broadcasting station operate: the more listeners it has—or with a newspaper, the readership it has—sets the fee it can charge for its advertising or whatever it does. If CHCH-TV in Hamilton wants to broaden its base it can go to Telesat Canada and rent a channel for \$1 million or \$2 million or whatever it may be. They say: "It is going to cost me two big bills to Telesat Canada to rent that transponder, but that is going to give me coverage. Instead of a 50-mile radius of Hamilton, we are going to have coverage right across Canada."

When those cornflakes are advertised at breakfast time they are going to be advertised in every house in Canada, rather than just 50 miles around. They have to weigh the \$2 million they have to pay to get that transponder on the satellite, and whether they are going to be able to get back \$2 million, \$2.1 million or \$2.5 million, with increased advertising revenue.

**Ms. Gigantes:** How do you perceive controlling any such enterprise?

**Mr. Hobbs:** It is a regulated industry.

**Hon. Mr. Snow:** We don't control the broadcasters now. It is controlled by the CRTC. How do we control CFRB and how much money it makes, I don't know.

**Mr. J. Johnson:** Mr. Chairman, on a point of order: We have had one speaker for the last three quarters of an hour along with another individual who has asked about five supplementaries. I do feel that, surely the government members, as well as the opposition, should have the opportunity to ask the odd question.

**Mr. Chairman:** We generally try to get them finished off and take them in rotation. Mr. Johnson. That's what I have been doing.

**Mr. Mackenzie:** You're not shy, John.

**Mr. J. Johnson:** I would simply like to move on and let somebody else have a opportunity to ask a few questions.

**Mr. Chairman:** Are you finished?

**Ms. Gigantes:** As I understand it, when you get right down to asking this government how such a station gets regulated, the minister says it is regulated by the federal government.

**Hon. Mr. Snow:** We don't regulate CHCH right now.

**Ms. Gigantes:** I understand that.

**Hon. Mr. Snow:** We have not asked to regulate CHCH. All we are saying is, in their satellite policy, which we are getting all mixed up with pay TV, the federal government and Telesat Canada could be making a hell of a lot better use of their very-high-technology satellites that are sitting up there in the sky with many of the channels blank. They should be leasing those channels to people like CHCH which would give revenue to Telesat Canada, a large portion of which is, after all, owned by the taxpayers of Canada, and putting CHCH, or whatever—I am only using that as an example—on to the satellite, into the remote areas or any area. I don't know what you live remote, but I live 35 miles from the CN Tower and I can't get anything like the service you get here in Metro Toronto.

**Ms. Gigantes:** How are we going to keep the US superstations from deciding what programming we get in North America then?

**Hon. Mr. Snow:** I think what we have been saying is that under the present circumstances you are not, because they are going to steal them. We have stations in northern Ontario, especially now with dishes that are beamed into those American satellites, picking up the American stations and broadcasting them, even though they are not allowed to do so by the federal government.

**Mr. Hobbs:** The way you do it is to get a range of attractive Canadian services on the satellites. I think that message comes out pretty loud and clear in the brief on the Canadian satellites. The people who own the dishes are going to want to point at them as opposed to some of the services they are picking up now for lack of anything on the Canadian satellite.

**Hon. Mr. Snow:** They are pointing at Atlanta now, because there is nothing else there. The federal government really isn't stopping them because it has nothing else to give them.

**Mr. Hobbs:** You can't go in and control the situation through the licensing of ground stations or conditions of licence for cable companies at the present time, because there is no viable alternative. The way you do control it, whether you are a provincial government or a federal government, is through conditions of licence in terms of channels to be carried, not necessarily the content of those channels.

**Mr. Philip:** On that very point, then, I wonder if I can ask a supplementary? Would you agree or disagree with the Saskatchewan

government's position which states that "To ensure the earliest and fullest possible development of Canadian services, the CRTC and the federal Department of Communications must refrain from authorizing the importation and satellite carriage of US networks or US broadcast channels." Would you agree with that? Is that the position of the Ontario government?

**Hon. Mr. Snow:** I think what you said there is the importation and carrying. From what I understand, you are saying they should refrain from the importation of US signals and putting them on the Canadian satellite.

**Mr. Philip:** Yes. Would you agree with that or disagree with that?

**Hon. Mr. Snow:** I would say we have never agreed or suggested bringing in US stations and putting them on our satellite. What we did say in here is that US stations are coming in via microwave to many points now. The CRTC says a cable here in Toronto, or whatever, can have four US channels out of 25 or 30, whatever it is you can get. You can have four US channels, three commercial and one non-commercial if you are in Toronto, but if you are in Red Lake, because they don't have a microwave way of getting them in there, you can't have four US channels.

What this paper here says is if four US channels are good for the goose in Toronto, they are good for the gander in Red Lake. Whether they come via satellite or whether they come via—

**Mr. Philip:** Would you be willing to limit the satellite pickup in terms of US or foreign content to that which southern Ontario is now at present receiving?

**Hon. Mr. Snow:** What I am saying is, if the CRTC says in their wisdom there should only be four US channels broadcast on any cable system in Canada, or Ontario or wherever, then that should be—to go back to my earlier expression, good for the goose, good for the gander—it should be four for Toronto and four for Red Lake. It shouldn't be four for Toronto and one for Elliot Lake.

9:40 p.m.

**Mr. Philip:** Supposing then later on there is pressure, instead of bringing four into Toronto, to bring in 24?

**Ms. Gigantes:** People will just put up the dishes in their backyards.

**Mr. Philip:** What is your position then? The point is, are you willing at least to limit in some way, at least to the present



content, the importation of foreign-based TV programming which is in competition with our own?

Hon. Mr. Snow: Yes, I would say so, yes.

Mr. Philip: Okay.

Hon. Mr. Snow: If I am going to say we are going to limit programs coming in from the United States—I mean, we don't get too many from Russia or Iran or wherever—but if we are going to limit the US programs coming in here, we have to make sure there are other programs available for the people to watch so they are not looking at test patterns.

Mr. Philip: In your statement, on page ii of your report, it says: "Audience fragmentation alone does no significant financial harm, only to the extent it results in actual loss of service. The onus is on those who possess such evidence to come forward and make their case." You are not suggesting the addition of additional US channels would in fact put an even greater onus on those Canadian broadcasters to prove their point?

Hon. Mr. Snow: You only read half the paragraph. Mr. Hobbs, can you explain that one?

Mr. Hobbs: Where three plus one is authorized, we are saying that it should be either microwave or a satellite. The technology in terms of the number of stations is irrelevant. In fact, it's probably much more cost effective in some smaller communities if they can put in ground stations as opposed to having microwave costs.

There are some markets where you have existing service, where you may have to provide some kind of mechanism to protect the guy who provides the local broadcasting. That is the only exception. The broadcast industry has been going around for a long time saying that fragmentation is destroying the industry whereas the published reports indicate that a great many broadcasters are doing pretty well from the standpoint of profits or financially.

That statement is really in reference to some blanket statements made by the broadcasters that we should not go ahead, and that really all we should have is one composite Canadian channel and that is all that should go up on the satellite. In essence it says you may have to look at specific markets. Some of the things you may have to look at are cross ownership, but that the onus is on the broadcaster to demonstrate financial harm and not just fragmentation, because you can't necessarily equate frag-

mentation, i.e., the splitting up of audiences, with financial harm.

Mr. Philip: How long does that take to demonstrate? In other words do you wait until the guy goes bankrupt and then say, "Gosh, we shouldn't have allowed that extra channel on." Your experience in dealing with the CRTC, as I understand it, is there is considerable difference of opinion. It is bogged down now between the federal government's position on cable distribution systems and that of the provinces. I want to get into that in a minute. We still haven't seen the draft report of the federal government. If you can provide it to the opposition, we would certainly appreciate it as I wasn't able to obtain the report.

Hon. Mr. Snow: Which draft report is that?

Mr. Philip: The February draft report by the federal government on cable systems.

Mr. Gilbert: I am not aware of any—

Mr. Philip: I will come back to that and perhaps we can talk about it. Your experience I am sure with the CRTC is that that is a very lengthy process. I guess my question is why the onus is on those who already have the service or the licences to prove that they are going to have financial damage, since you are the people advocating a new service. Surely those who are advocating the new service have a certain onus on them to justify that there is enough of a market out there for all of them.

Mr. Hobbs: I think the people who are advocating more service are residents of the communities in northern and underserved areas.

Mr. Philip: It isn't the companies that want to provide it?

Mr. Hobbs: To some extent. But the community has had a great number of submissions from community organizations that would be willing to go it on a communal basis in terms of financing the cost of the type of ground delivery system, whether it is cable whether it is a satellite ground station in conjunction with a low-power transmitter, frankly think the demand for service is not coming as much from the companies involved as from the residents in underserved areas. The number of illegal ground stations and they claim in BC they are going in the rate of two a week—is highly indicative of the demand on the part of the consumers of services as opposed to the industry per-

Ms. Gigantes: You talk about pay TV and you talk about extensional services and satellites and how satellites can be of benefit our goal of extending broadcast services



remote regions. When you talk about satellite services, you say we will have our community satellite and will put up basic Canadian programming on that. What I don't understand is the policy of the government. If we look down the road we can see that in Toronto, not an underserved community in any sense as we now know it, there is going to be programming that can be received on American satellite systems in the next 15 years by the purchase of a dish which you place in your backyard.

I would like to know how the Ontario government views the goals of Canadian broadcasting and, in particular, what we want from broadcasting in Ontario when that technology is so close. What is the intent in terms of responsibility for content? How does the government assume that responsibility can be exercised in the light of what we know is coming technically?

**Mr. Gilbert:** When you get to that type of operation, you get right back to what we have been saying right along, namely, that there has to be better Canadian content. People are going to want that Canadian content and that programming has to compete with the Americans. What we should be doing is trying to make it possible for Canadians, whether it be a public or private service, to produce better programs.

**Ms. Gigantes:** But how do you get the revenues from that when systems are inter-national? If the company that puts up the transmission station the government supports—

**Hon. Mr. Snow:** You are mixing everything up in such a mish-mash that I really don't know how to answer.

**Ms. Gigantes:** I am trying to sort it out. If there is a company in Nashville that puts out sports programs 24 hours a day of a very high calibre, where is the financial contribution to Canadian content that comes from that?

**Hon. Mr. Snow:** I don't see where there is any if somebody picks it up illegally.

**Ms. Gigantes:** It is not illegal.

**Mr. Hobbs:** In terms of the kind of dishes you are talking about in the backyard, there are going to remain limits on what you can pick up between now and the year 2000, both in terms of the satellite design and the power related to it. It is directly related to the size of the dish and what you can pick up. Nobody right now is saying that satellite—home, i.e., with a dish on the home, is going to replace cable systems of some sort in terms of just the economics of scale inherent in cable systems in densely populated

areas, or even in terms of attaching a big ground station with scrambled signals in smaller communities. They are doing this in BC right now. You are going to have some people who can get around that. You apply it with licensing policies for your distribution systems in terms of the signals that can be carried out.

**9:50 p.m.**

In terms of your illegals, you just point them wherever you want. They are going to be a minor part of the problem. They are not going to constitute a very large proportion. In fact, they are going to be marginal in terms of the revenue-producing potential inherent in cable systems in your large market areas and even in your smaller market areas. So you are going to be based on subscribers. That is how you ensure you get the funding going into higher-quality Canadian programming: through revenue percentages, incentives, content regulations, quality points, or whatever type of single mechanism or combination of those that may be chosen as the best method of getting the funding in.

**Ms. Gigantes:** That is what I am looking for, an economic analysis of those markets and the technologies involved. What are the revenue bases in terms of production? What revenue bases are generated? How do those economic markets relate to what is technically on the horizon? Do you have background documents at the Ontario level?

**Mr. Hobbs:** The best place to get the full range of various economic analyses is in terms of the submissions that were made to the CRTC committee, because there are a variety of projections and revenues involved. It depends on what goes up. Right now, if you are talking about satellite, which is not necessarily the only delivery vehicle, it is not going to totally wipe out terrestrial, or cable, as the local distribution system. It depends on the range of services, on the number of channels of pay TV, on being able to test the consumer market. That is why people are talking about assessing the market potential.

**Ms. Gigantes:** That is what I am wondering whether Ontario has done for Ontario.

**Mr. Hobbs:** We have done certain calculations in terms of pay TV. Frankly, I think you can get the whole range of them in terms of the submissions.

**Ms. Gigantes:** Have you made a submission on the calculations you have made on Ontario pay TV?

**Mr. Hobbs:** Not on that specifically, no.

**Ms. Gigantes:** Can we get background information from the ministry on that assessment? I would find it enormously interesting.

**Hon. Mr. Snow:** We don't have it.

**Mr. Hobbs:** We have nothing in public form.

**Ms. Gigantes:** Why worry about public policy in this area in this province when we don't have the kind of background we can sit and reflect about, mull over and compare to submissions made by various applicants and market estimates and technical estimates being made?

**Mr. Hobbs:** The basic assessment on the market that would subscribe to pay TV is anywhere from 20 to 30 per cent of the present cable subscribers. That is for one channel.

**Ms. Gigantes:** That tells us the degree of penetration you may get. It does not give an indication in terms of comparing one form of service to another form of service, and looking at what the potential revenues are, either private or public, and, therefore, the potential contribution to Canadian programming in terms of quality of content.

**Mr. Hobbs:** The potential contribution depends on which mechanism you choose.

**Ms. Gigantes:** That is what I would like to see, a set of these things developed on an Ontario basis so that here in Ontario we could make an evaluation. What is it we want from an Ontario point of view?

**Mr. Hobbs:** The sky's the limit in terms of the kinds of calculations you can make, because it depends on the nature of the pay system. It depends on whether you are authorizing, and over what time frame, one Home Box Office type of channel, whether you are going to go to pay services where you are paying for delivery plus programming, whether you are talking about a percentage of gross.

**Ms. Gigantes:** But how can we say we have a policy when we don't sit down and evaluate each of those and decide which is best in Ontario terms?

**Mr. Hobbs:** It depends on whether you feel that so much money has to go into program production, that in dollar terms, there is a specific objective. We have taken the position in the past that that is not the primary criterion. You simply cannot tell whether you are reaching the objective, which is to get more Canadian content, as the minister indicated, that people are going to want to watch. You can't simply guarantee that by saying we have got to have so many million

dollars going in, because you can get garbage through simple dollar contributions to Canadian programming.

Essentially, in the Ontario position papers we have laid stress on giving incentives to reach certain viewing levels, and the market will look after the money flowing in because people are going to want to get, or going to have to get that kind of Canadian program production. You can't put a dollar figure on it.

**Ms. Gigantes:** Suppose we say we can't put a dollar figure on it. I can accept that. One can discuss the ins and outs of that with good and bad broadcasters, good and bad film production firms forever. Obviously there is a relationship between quality programming and financial resources available. We can say simply that is true and we want to make sure there is sufficient funding so that there will be good-quality Canadian programming. Fine.

Given that objective, suppose we all accept that, there are a whole range of possibilities for the development of communications in the next five years or in the next 20 years in this province. Which of the options, from the Ontario point of view, is the best? I am not talking about just the question of Canadian content on a national satellite. But which has the most public benefits, for example, is generating revenues to the public quite apart from whether they are putting it to Canadian broadcasting or to highways? Which will tend to leave us in a situation where we may be totally subject to international satellite broadcasting superstations? Which will leave us in the hands of Beil Canada? Which will leave us in the hands of Phil Lind and Ted Rogers? Which combination of ways of organizing these potentials do we want to choose? I can't see how one can choose unless one sits down and works through the implications as far as one can establish them.

**Mr. Hobbs:** I am not sure that anyone today, sitting here in 1980, has the prescience in terms of the developments taking place to be able to sit down and set out in very specific terms who should be providing what services on what industry-structured basis in 1990. I don't think it can be done. Technological developments are simply taking place so rapidly that it is impossible to prescribe, in infinite detail, the world as should exist.

Some of our documents show the one way we are going to achieve that is through a monopoly. In terms of what is developing in the United States, where the approach is very much in the direction of permitting



competition and diversity, I am not even sure that you can construct some sort of electronic curtain across the border.

0 p.m.

As the minister and Mr. Gilbert have both indicated, in the programming area you have to try to find a range of mechanisms, not just one. You want to ensure that the maximum amount of money goes into competitive Canadian programs or services. You can't put all our eggs in one basket, technologically, because the developments are coming on stream quickly. It is preferable to go in the direction of allowing diversity and some competition. You don't know what the demand will be for services that people have never seen. There is a lot of talk about what is coming on stream, but those services are not here yet. If you do some surveys on pay TV, people don't know whether they want to subscribe to it because they don't know what it is.

**Hon. Mr. Snow:** That is what I was going to say. I certainly am not sure, and I don't think anyone is, that when a pay-TV channel goes on stream, whether it be in Toronto or Inbuctoo, how many people are going to want to pay that extra number of dollars per month, whether it is by program or by channel, to see that uninterrupted, no-commercial television with no cigarette ads, no Coca Cola ads—

**Mr. Cunningham:** No government ads..

**Hon. Mr. Snow:** —no federal government ads, no provincial government ads, no "yes" ads, no Larry Grossman ads—I don't know how much. Everybody is worrying about this great golden pot that is there. I am not sure how big this golden pot is at this time.

**Ms. Gigantes:** Mr. Chairman, I will thank the minister—

**Mr. G. I. Miller:** On a point of privilege, Mr. Chairman: I think my two colleagues and I would like to ask a couple of questions.

**Ms. Gigantes:** I was just going to thank the minister and his staff for all the information they have given us. I would suggest as a final point that I think these proposed applications and the intensity with which the applications are being put in Ottawa indicates that he had better be optimistic about the size of the pot..

**Mr. Cunningham:** Very briefly, Mr. Chair-

**Hon. Mr. Snow:** Just to sum up there, I think the interest we have in this matter is shown by the fact we have made Mr. Hobbs available to the CRTC to be part of this

whole process for about the last three months. He has been travelling the world listening to submissions—

**Ms. Gigantes:** Mushing along, they call it up north.

**Mr. Cunningham:** The minister cut me off at my knees, and I am now four foot-one.

**Hon. Mr. Snow:** If I were cut off at the knees, Eric, I would just be down to your size. Boy, if we cut you off, you wouldn't be able to stand next to me.

**Mr. Cunningham:** That's right. I'll bite you on your ankle.

**Mr. Philip:** From the shoulders up and not from the shoulders down, I am sure Mr. Cunningham is as big as the minister.

**Mr. Cunningham:** With the referendum results in tonight it looks like 59 per cent for the no figure, and I think many of us will be very gratified. I think we are going to see editorials in the papers tomorrow, from the Oakville paper to the Toronto Star, suggesting that we have been given a second chance in this country in terms of Confederation. They will say it is going to be incumbent upon every legislature and, more specifically I suppose, the federal government, to renegotiate our form of Confederation and amend our constitution.

I certainly think that is going to accelerate this whole discussion of cable television much faster than you would anticipate. In terms of the federal government demonstrating a willingness to divest itself of certain areas of responsibility, this topic is going to be one area where they demonstrate that willingness in a very quick and tangible way.

I realize there is going to be a meeting with the minister in September of this year to discuss this. I would only respectfully suggest—this being the lead province, in my view, on these discussions—that we accelerate those requests to see what could be done to move those meetings up even more quickly.

I have several brief comments I would like to leave with you with regard to my point of view.

**Hon. Mr. Snow:** Can I reply to that one?

**Mr. Cunningham:** Certainly.

**Hon. Mr. Snow:** Ontario certainly, and I think many of the other provinces, in the constitutional discussions at the communications ministers' level, at the constitutional ministers' level and at the first ministers' level, have put forward communications policy as one of the major items of constitutional reform.

There have been varying degrees of agreement in principle between federal ministers



and the province. The most recent was at the communications ministers' conference here last October. There were some hard-fought discussions at that conference, but we did come out with some degree of agreement.

A number of working committees were set up with provincial and federal representatives to work out papers and positions to put before the ministers at their next conference. I haven't had an opportunity since the last federal election to meet with the present Minister of Communications. This is not because we haven't tried. The last correspondence we had with Mr. Fox was that he was going to be tied up with the referendum matter in Quebec and he would have to defer any meeting until after that is over. But we do have a meeting set up in the near future.

What I want to find out from him, as federal Minister of Communications, is whether we are starting off from where we left off with Mr. Macdonald, and before that, with Madame Sauve, or is this a new ball game and where do we start from here. I hope we can carry on from where we left off at the last meeting of ministers and the programs the working groups are working on. I hope that at the next conference of first ministers, telecommunications matters will have a high priority, as you have said, and I think they will.

Certainly Quebec has been very interested. They have taken a somewhat different angle and presented different demands than we have; but it is a subject of great interest to Quebec.

**Mr. Cunningham:** I read your speeches, and I must say in a general sense I am attracted to the government position, especially as articulated by the deputy minister in his 1978 speech to the annual meeting of the Canadian Cable Television Association. I view it not as a matter of if, but when, and I think the answer to the when is going to be very soon. I firmly believe that.

Having said that, I do hope you will be in a position to respond to some of the questions posed by Ms. Gigantes which are close to my own thoughts as they relate to the concentration of ownership in Ontario. I do hope that we see in a general sense some principles articulated as clearly as possible with regard to the concentration of ownership. In the sense of the media as a whole, I view it as being over concentrated. In newspapers we have a very significant preponderance of large national and sometimes multinational holdings. This tends to pre-empt the independence that one would expect in a municipality, in a locality.

Very quickly you see, in terms of radio stations and sometimes television stations particularly in the United States, the acquisition of the independents. You lose that local flavour. It moves from being an owner-operator to a manager proposition, and the goal that you would expect from local ownerships are eroded.

That brings me to my concern about the disposition of these licences, these privileges and trusts, at the conclusion possibly of the willingness of the operator to operate. The analogy has to be, therefore, in very clear terms what goes on at the Ontario Highway Transport Board when we grant a licence which is a privilege and trust. The licence usually expanded, and hopefully in this great province of ours people prosper and make money and they profit. But that licence that is often sold for far more than the equipment and the general assets of the company would be worth.

10:10 p.m.

It's a sticky question, it's a controversial type of question and it's one that, I want to be frank with you, I don't have the answer for. It's one that's going to beset us, though, very quickly because I think you're going to see that the federal government will honour its commitments and will clearly articulate, I would think in the not too distant future, that this will be our responsibility. It's one that I am sure we are capable of looking after and one that we can develop for the benefit of all the people of Ontario.

**Hon. Mr. Snow:** Different positions were put forward at the past conferences by Quebec and Ontario to some degree, a matter of degree and, I guess, Gordon Carton, when he was Minister of Transportation and Communications, was the first minister to put forward positions on communication then followed up by John Rhodes for a year or so and then by myself.

Quebec traditionally has wanted full control over licensing of not only the cable systems but also the broadcast stations and complete control over content, culture and that part of it, whereas we have basically said that we have not wanted and not asked for control over that. We have not asked for control over the licensing of CFRB, CHCH and so on.

Basically our position has been that hardware of distributing the signal from house to house, which is really putting up a master antenna and running a cable around rather than having a little antenna on every house, can best be handled and the needs

the Ontario public can be best served by regulating that at a provincial level. Then there would not be a situation that we had a couple of years ago when the CRTC was holding hearings into certain cable applications in northwestern Ontario—Red Lake and Pickle Lake, I believe and the hearings were held in Halifax, Nova Scotia. It was pretty difficult for the people from Pickle Lake to appear and put forward their needs, whereas in the province and our Ontario Telephone Service Commission—or a revamped Ontario Telephone Service Commission, which we would need if we go into this new role—had been holding those hearings, they would have been in Kenora or at least in Thunder Bay or somewhere in northwestern Ontario.

**Mr. Cunningham:** One thing I sense from your speeches and your participation in the various conferences, from Mr. Gilbert and from what's been said by all three parties, is that we are all generally on the same track on this. May I say to you, as sincerely as I can, that I endorse this and I will do everything I can to accelerate this, because I firmly believe it's in the best interests of the people of Ontario, and if it's only the first step in developing more involvement, say, on the part of the province then so be it. Frankly, I would prefer to take that first step now, develop a structure, get the bugs out of that over the next four or five years, ramp whatever commission you are willing to have to accommodate these licences, but go on with it. What you do into the 1990s will not be dictated by what I think, but are likely by some technological development that I may not know of at the moment.

**Hon. Mr. Snow:** One thing we have been considering very seriously is a new Ontario Telecommunications Act and the staff has been doing considerable work on this to be in a degree of preparedness if we get the constitutional reform.

**Mrs. Bielski,** who is with us tonight, is chairman of the Ontario Telephone Service Commission, but operating at a level of regulating three or four telephone systems in the province. Obviously the whole system is going to have to be upgraded and revamped if we are going to get into regulating all the cable systems in the province.

As a ministry of communications we are relatively new in the business, because the ministry was just formed in 1971, and the major emphasis of the ministry, until a couple of years ago, was getting telephone communications and the basic TV channel into northern Ontario, which we have been very successful at doing. We have telephone sys-

tems, either by microwave or by satellite into, if not every, practically every native community. I have been in many of them myself in Winisk, Port Severn, Big Trout, Attawapiskat and so on. We were at Father Pepin's home in Fort Albany. We were in there having a cup of coffee with him one afternoon, the deputy and I, and what was the name of the program?

**Mr. Gilbert:** Howdy Doody.

**Hon. Mr. Snow:** Howdy Doody was on the colour TV, which is quite a difference to the communications those people had a few years ago. So we have been very successful in getting that type of communications into the north. That we have conquered. The next phase is to give them two channels, three channels or four channels to look at if they want.

**Mr. Gilbert:** One of the best examples of how good programming will sell, good Canadian programming, is that Father Pepin made the comment to me when I said, "I guess you are interested in watching the Toronto Argonauts or something like this?" he said, "No, I want to see the Montreal Canadiens on Saturday night." At that time the Montreal Canadiens were in the class of national league hockey—

**Mr. Cunningham:** That wasn't that long ago.

**Mr. Gilbert:** I think that's the best example, Ms. Gigantes, of how a good program will sell.

**Mr. Cunningham:** I would defer to Mr. Riddell, Mr. Chairman.

**Mr. Riddell:** On the subject of telephones, do you feel there is a need for amendments to the Telephone Act, Mr. Minister?

**Hon. Mr. Snow:** We just passed one a little while ago, but a minor one, of course.

**Mr. Riddell:** I don't think it was since April 2, 1980, but there has apparently been some correspondence between the Ontario Telephone Service Commission and the various municipal telephone systems, and I believe that the commission sent a notice to all municipal telephone systems with respect to the filing of subscribers' schedules.

There was one sent to the Hay Municipal Telephone System back in the latter part of 1978 and it responded to that letter. The indication by the manager of the Hay system was that they couldn't vouch for the completeness or accuracy of the list enclosed as he wasn't familiar with the actual responsibilities of the subscriber as set forth in the Telephone Act, nor was he certain which properties

actually had subscribers' rights and obligations assigned. Also, he was not certain of the ownership of the lands as of September 30, 1978, but to the best of his knowledge the list was correct.

He went on to say: "According to the discussions I have had with various municipal system managers, the records of subscribers of other systems are about in the same condition as ours. There seems to be much confusion as to the rights and obligations of subscribers, the properties that had been subdivided or that have had no telephone service for years. The present Telephone Act certainly does not give explicit answers to most of the problems. Coupled with inaccurate and incomplete records, these conditions certainly would lead to a lawyers' field day in the courts if a municipal system were to be sold under the present Telephone Act..

"It's my humble opinion that management of most municipal telephone companies would prefer to have the ownership of the companies transferred to the initiating municipalities and operate it as a discrete enterprise directly under the control of the council of the initiating municipality or under the control of an elected commission from the various municipalities served by the company. The problems of a subscriber-owned municipal telephone system under the present Telephone Act certainly are complex and much discussion on legal and moral obligations must be had prior to rewriting the Telephone Act if this type of ownership was to be maintained."

That was in 1978. In April 1980, again a letter went from the secretary-registrar of the Ontario Telephone Service Commission with respect to the filing of subscriber schedules and drew to their attention that every officer of a system who authorizes or acquiesces in any default in making a return under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$50 for each day during which the default continues.

10:20 p.m.

Once again the manager of the Hay Municipal Telephone System wrote back and said: "Please be advised the undersigned has been unable to locate among the records of the Hay Municipal Telephone System a complete and accurate subscriber schedule suitable for filing with the commission. Please refer to my letter to the commission dated January 25, 1979." That is the one I read part of a little earlier. He goes on, "Also with respect to your letter dated April 4, 1980, I

personally detest being threatened by the commission for failure to comply with an act as outdated and inapplicable as this present Telephone Act."

Who is wrong? Is this guy whistling up the creek without a paddle, as you made reference to earlier on, or is there a need for change in the Telephone Act?

**Hon. Mr. Snow:** I think we all recognize the Telephone Act is an old act. I think the last major update was about 1954. We have done, as I recall, a policy and legislative review of the independent telephone industry of Ontario outlining the issues. This is a document I tabled at the annual meeting of the Ontario Telephone Association in Peterborough about a month ago. I went over it with the industry and asked it to have the input back by October or November with a view to a complete update of the act.

I can't answer the specific points in this schedule that you are asking about. Mrs. Bielski, can you answer? Maybe Mrs. Bielski, the chairman of the Ontario Telephone Service Commission, would come up to the table and take the microphone and try to answer you specifically.

**Mrs. Bielski:** Mr. Chairman, what we have asked for is a schedule showing the number of subscribers at the beginning of the fiscal year, the number of deletions or additions of subscribers during the year and the reason why subscribers have been added or deleted. The reason we have asked for this is we have noticed from looking back over the last 10 years of the annual reports filed by the municipal systems, that the number of subscribers varies in some companies quite substantially.

If you look at section 60 of the Telephone Act, there are certain provisions for the deletion of subscribers. They would have to obtain the approval of the commission. We have only given approval, I believe it was in 1977, for the deletion of three subscribers from one system. There are a lot of subscribers who have been deleted without the approval of the commission.

The problem that arises is if the system is sold you are going to have a lot of subscribers coming out of the woodwork and you are going to be having a field day, as you suggested, for lawyers as to who is and who is not a subscriber. Through trying to fix these schedules, we are trying to get the companies to fix up their records so they know who the subscribers are. It is very important for a subscriber to know who is a subscriber, because there is money involved.

**Hon. Mr. Snow:** May I ask, Mrs. Bielski, what is the definition of a subscriber?



**Mrs. Bielski:** It is in section 1(1)(e) of the Telephone Act. It is basically a person who has originally signed a petition to build a telephone system and has pledged his land as a security to a municipality which has raised the money to build a municipal system. That is basically what a subscriber is.

I suppose the problem flows from the fact that the original farmer had a piece of land and he subscribed that piece of land, and over the years that land has been divided. Now who is the subscriber? Does it flow with the land, or does each person who bought a piece then become a subscriber? I think that is where the problem lies with many of these systems.

**Hon. Mr. Snow:** They are not what I would think of as a subscriber, which is the person who has a telephone in his house and pays a monthly bill.

**Mrs. Bielski:** No, no, it is a very special definition, Mr. Minister, in reference to municipal systems. It is like the shareholder. The subscriber is the owner of the system and the municipality holds the system in trust. It is like a co-operative.

**Hon. Mr. Snow:** How many of those municipal systems do we have now? I think it is in this book.

**Mrs. Bielski:** Fourteen.

**Mr. Cunningham:** One less today, though.

**Mrs. Bielski:** No.

**Mr. Riddell:** I see that time is going on and I won't deal any more with it, but this fellow was annoyed. I think one of the reasons he was annoyed was when he wrote the letter to the commission on January 25 he received no kind of acknowledgement or reply whatsoever to that letter, then all of a sudden another letter from the commission comes along in April 1980. As he indicated, they just unable to locate among the records of the Hay Municipal Telephone System a complete and accurate subscriber schedule suitable for filing with the commission. Apparently it is just absolutely impossible.

He went on to say, "Please refer to my letter to the commission dated January 25, 1979, copy attached, to which I have had no reply." I suppose that was one of the things that ticked him off a little.

Let me just go on to two other short questions. What were the results of the OTC notice of public hearing with regard to an agreement of sale of assets of Community Telephone Company of Ontario Limited to Bell Canada? Has Bell Canada now acquired the assets of Community Telephone?

**Mrs. Bielski:** The agreement has been approved. I believe the transfer takes place on May 27.

**Mr. Riddell:** That will be good riddance so far as a number of subscribers who have written to me are concerned. I guess the service that was being given at the last by Community Telephone was deplorable.

What progress is being made by your ministry in the intervention of increased rates proposed by Bell Canada?

**Hon. Mr. Snow:** There is no progress yet.

**Mr. Hobbs:** The hearing begins next Tuesday, May 27.

**Mr. Riddell:** I trust you people are going to—

**Hon. Mr. Snow:** First of all, the interim request was denied. The request for an immediate interim increase of seven per cent, I believe it was, was denied by the Canadian Radio-television and Telecommunications Commission. The main hearing for the application for increased rates has not started yet.

**Mr. Riddell:** I trust, Mr. Minister, you have received letters from your various councils, as I have, opposing these rates and asking that it be looked into. I just wondered how we were getting along intervening in that regard.

**Hon. Mr. Snow:** As I said in the House, we will be intervening. We will have a representative. Mr. Hobbs could tell you the details better than I could, but we will be intervening at those hearings. It has always been Ontario's position, at least, in the last five years since I have been here, that we have intervened at all Bell rate applications and have tried to test the evidence put forward by Bell Canada.

We question it, question their construction programs, their investment programs, the level of service they are providing, their improved service in rural areas, and bring all their evidence before the CRTC, which must make the decision as to the level of revenue increase that that Bell Canada needs to supply the service. That is the role we will be taking again. This time, because the requested increase is substantially more than it has ever been in the past, naturally everyone is taking a closer look at this request.

**Mr. Riddell:** Thank you, Mr. Chairman. I see my time has expired.

**Mr. Chairman:** Mr. Philip, you will be on first thing in the morning. The committee will meet at 10 o'clock tomorrow morning.

The committee adjourned at 10:30 p.m.

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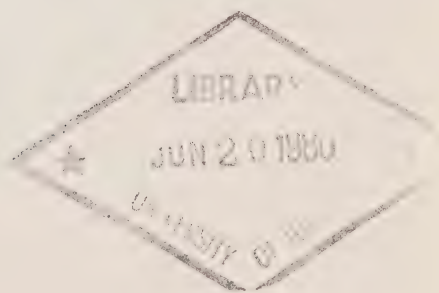


No. R-17

# Legislature of Ontario Debates

## Official Report (Hansard)

**Standing Committee on Resources Development**  
Estimates, Ministry of Transportation and Communications



**Fourth Session, 31st Parliament**  
Wednesday, May 21, 1980

Speaker: Honourable John E. Stokes  
Clerk: Roderick Lewis, QC

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# LEGISLATURE OF ONTARIO

## STANDING COMMITTEE ON RESOURCES DEVELOPMENT

WEDNESDAY, MAY 21, 1980

The committee met at 10:10 a.m. in committee room No. 2.

### ESTIMATES, MINISTRY OF TRANSPORTATION AND COMMUNICATIONS (concluded)

**Mr. Chairman:** The committee will come to order. All groups are represented.

**Hon. Mr. Snow:** Could I have one second, Mr. Chairman, just before we start? I regret I didn't do this last night. As the committee members may be aware, Mr. Hugh Adcock, Assistant Deputy Minister of Transportation and Communications, will be retiring. He has been with us every session during the estimates until today. I believe he had to be in North Bay today. Mr. Adcock will be retiring from the ministry at the end of June. How many years has he been with the ministry? He hasn't as many years of service as Mr. Humphries had, but—

**Mr. Gilbert:** He's been with the ministry since 1948.

**Hon. Mr. Snow:** That's 32 years he has been with the ministry. I am sure, even in his absence, the members would like to pay tribute to him for his many years of service. His replacement, effective—

**Mr. Gilbert:** June 1. There will be a slight overlap.

**Hon. Mr. Snow:** —June 1 is Mr. David Hobbs. He will be assuming the new duties as assistant deputy minister in research and development.

**Mr. Chairman:** If Mr. Hobbs gets along as well as his predecessor did for 32 years, he will surely be rewarded at that time.

**Hon. Mr. Snow:** In addition to his new duties, Mr. Hobbs will still be maintaining certain responsibilities in the communications field.

**Mr. Philip:** I would like to express our appreciation for Mr. Adcock's 32 years of devotion to the public in Ontario. I don't think the minister would be offended if I say I hope the minister doesn't spend that

amount of time in his post. But we are certainly pleased with the excellence of the staff.

**Hon. Mr. Snow:** I am sorry you can't feel that way.

On vote 2609, communications program:

**Mr. Philip:** I would like to review a couple of things that I thought I heard the minister saying yesterday on the communications matter. I would like to review it with him to make sure I understand his position correctly, since I don't have the Instant Hansard to go back to. It's unfortunate when we have estimates immediately the morning after a late-night sitting, because it is impossible to get the Hansards.

As I understand it, the minister agrees that there should be at least a basic service provided to all the people of Ontario including CBC and the alternate national networks. He would not expand or be in favour of an expansion of more American network TV other than that which is presently being received by the people in southern Ontario.

**Hon. Mr. Snow:** I thought I was quite specific. In the presentations that we have made to Canadian Radio-television and Telecommunications Commission, we have basically said that regardless of the mode of transmittal of the signal, if there's a restriction—which I don't oppose—such as they have now to the four US channels on cable, for instance, here in Toronto, they should allow four channels or similar service to all areas of the province, whether it comes via satellite or not.

In other words, what we are saying is that in Red Lake, or wherever, where they may have a cable system and a satellite dish they should have the same number of channels as Toronto. Some of those areas are illegally receiving signals from the American satellites. I understand it is technically illegal, although I don't think anything is being done to stop it. We have been saying it should be legal for them to have the same number of US signals on their channels as do the systems in southern Ontario.

**Mr. Philip:** Okay. The minister also believes the system of pay TV should be developed and that revenues from pay TV and other programming should not be used to subsidize other secondary services.

**Hon. Mr. Snow:** I don't know what you mean by—

**Mr. Philip:** One pay TV system should not be used to subsidize another pay TV service. Is that correct?

**Hon. Mr. Snow:** Yes, I would say that's correct. I think there have to be funds from pay TV going to programming, to the development and creation of more Canadian content programming. We don't think the revenue from pay TV should be used to subsidize another delivery system.

**Mr. Philip:** Okay. In addition to that, you also say that those interested in distributing services via satellite should be permitted to do so, and that includes Americans or non-Canadians who may wish to use Telesat.

**Hon. Mr. Snow:** No, I don't think we have ever said that at all.

**Mr. Philip:** Well, fairly clearly in your recommendations, it doesn't state that it's Canadians. It says: "Those interested in distributing services via satellite should be permitted to do so and this will ensure widespread availability of optional programming services."

**Hon. Mr. Snow:** We specifically mention a number of services that we foresee doing that, like CHCH, Global, CITY, TVOntario and so on. We outline them and there's no multilingual TV. We say those are in preference to distribution of US stations via satellite.

**Mr. Philip:** In that context, though, you are talking about the basic system, are you not?

Interjection.

**Mr. Philip:** Maybe you had better tell us what your basic system is that you are saying should be guaranteed, if you like, on the satellite.

**Hon. Mr. Snow:** What is that exactly? Mr. Hobbs, are you familiar with that?

**Mr. Hobbs:** I think you are reading the summary of the recommendations. In the context of the policy document, it's laid out there should be a basic service available, CBC and alternate Canadian network, and an educational service that is available to as many Canadians as can receive it. In addition, a satellite should be used to deliver

a range of supplementary services, whether they be of a super-station type which are financed through advertising or packages which are financed as a result of subscriber fees. That's over and above the basic service. The basic service may be delivered by satellite or by terrestrial means and in terms of the other services, the ideal means of delivery is by satellite.

10:20 a.m.

Pay TV, in terms of the conventional Home Box Office and Showtime, is something that should be dealt with quite apart from this in terms of maximizing the flow of funds in the Canadian program production. But there is a definite distinction between the basic floor service that should be made available.

You mentioned subsidies last night. The government of Ontario subsidizes the delivery of TVOntario in the same way that the federal government does. It may be that the federal government is going to have to provide a little bit more in terms of subsidy to get CTV available, although there have been some proposals that have come to the CRTC that would, in effect, make CTV available without that having to happen. So there is a differentiation between the floor service that everyone should have and a range of alternate services that should be delivered.

It was suggested that people should be permitted to put their services on television. I think I mentioned last night that in the document there is a pretty substantial section that deals with satellite policy and, in particular, with the policy and the financial restrictions which to date have prevented anybody but the CBC from going on to Canadian satellites.

Regarding the specific phrase you have read out, it is implicit in there, in terms of what goes before it, that it refer to Canadians. Canadian service producers, in terms of relaxing the restrictions and changing the restrictions, should be permitted to go on. But there is a very explicit statement in the document that says Canadian satellites should not be used for the delivery of American channels.

**Mr. Philip:** I see that distinction.

**Mr. Gilbert:** Excuse me, Mr. Philip. Reading from page eight to page 11, about which services should be extended, we talk here about what amounts to the basic service. Then, starting on page 11, we go to the optional services. I think that explains what we have summarized at the end.

**Mr. Lane:** Mr. Minister, this is always going to have to be a shared situation between the province and the federal government, is it not? We all want better services in northern Ontario, but it is still going to require a co-ordinated effort by yourself and other provincial and federal ministers. I don't understand one minister or one government becoming totally responsible for these services, do you?

**Hon. Mr. Snow:** I think traditionally the federal government has regulated broadcasting. Our role in this matter up to this stage has basically been putting Ontario's position forward to the federal government very strongly on behalf of the people of Ontario about what we need in services. I put forward about four or five different papers to the federal-provincial communications ministers conference, and we were all sitting around the table there.

There was a substantial paper on pay TV policy and a paper on satellite policy.

The satellites in Canada are owned by Telesat Canada, which is partly owned by the federal government. Do we still have a minor share?

**Mr. Hobbs:** Yes, through Ontario North-and.

**Hon. Mr. Snow:** Through Ontario North-and Communications we have a very minor interest. Then the Trans-Canada Telephone system—Bell and all the other telephone systems—have a major share in Telesat Canada, because one of the main uses of the satellite is for telephone voice message transmission. So we have put our position forward that we have a big investment in satellites, we have very excellent satellites and they should be better utilized to make a much broader range of television programming available to all the remote areas of the province.

We have CBC going into a lot of these remote areas via microwave now, but still it is to these remote communities that can only get one channel. They would like a variety of channels.

**Mr. Lane:** So it is certainly your job to put forth the idea—

**Hon. Mr. Snow:** The hardware is basically a master antenna. A cable TV system in Elliot Lake to me is not unlike putting a master antenna on the top of an apartment building and feeding the signal to the 100 suites or 500 suites in that apartment building. That's a master antenna. A cable TV system is basically the same thing. It is a signal that is fed in many cases from the master antenna to different systems via microwave

and so on. They pick up those signals off the air.

They may bring them in direct by microwave as well, and put them on their cable systems, and then they offer the supplementary non-broadcast services of the type you see here in Toronto. You can get the airways, weather, the stock market and the shopping basket and all these so-called non-broadcasting services which the cable TV companies offer in addition to straight TV signals.

**Mr. Lane:** Do you see a part for the Ministry of Culture and Recreation in helping to provide the kind of programming that many people would like to see?

**Hon. Mr. Snow:** It is through the Ministry of Culture and Recreation and the Ministry of Education that we have TVOntario. That signal is available to the vast majority of the population in Ontario now via microwave and low-power transmitters. I think that signal is sent to Timmins and Sudbury and to the Thunder Bay area and other places via microwave. It is through agreements with Bell Canada and other microwave systems that they rent space to take their signal; then it is broadcast at the other end or fed to the cable systems. This, of course, is subsidized heavily because there is no advertising revenue on that channel. But we feel that should be part of the basic service to all citizens of Ontario.

**Mr. Lane:** That was my feeling, that it was going to be a co-ordinated effort between you people and the feds and with several ministries involved.

**Hon. Mr. Snow:** But we still have that on satellite now through sort of an experimental agreement with Communications Canada, whereby the TVO signal from Toronto is transmitted via microwave to Ottawa. It is picked up at their communications research centre at Ottawa and beamed up to the satellite. One of the channels on the satellite, one of the transponders, is being used for TVO, and then that is beamed down and there are some 40-odd dishes that we have located across northern Ontario. Some of those dishes are tied into small cable systems; others are individual receiving dishes in the backyards of homes.

**Mr. Lane:** One of those dishes is tied into the cable system in my home town, as a matter of fact.

**Hon. Mr. Snow:** I am sure we could give you a list of the 40 or 45 locations where these dishes are. But this is all part of an experimental program with the federal Minister of Communications to test out the use of



satellites as a means of getting signals into these remote areas.

**Mr. Philip:** I would like to refer the minister to page 15, item 3, of his brief to the CRTC on the extension of service. It says, "Pay television should provide new markets for Canadian programs, new sources of revenue for Canadian program producers and new pools of investment funds for Canadian program production."

10:30 a.m.

I would like to ask him to address himself to the last two phrases: new sources of revenue for Canadian program producers and new pools of investment funds for Canadian program production. I have not heard anything you or your deputies have said so far in the estimates that tells me how this is going to be brought about, and I cannot see anything within this CRTC brief that spells out the process. Would you tell us how those funds get from pay TV into the new sources of revenue for Canadian program producers?

**Hon. Mr. Snow:** The submission that we have put in there happens to be the agreed-upon objectives by the federal and provincial committees that have been working with the task force that has been set up with representatives from the 10 provinces and the federal government.

Last fall, at our conference, we submitted a provincial position paper or provincial objectives. The federal minister submitted a similar document of federal objectives. There were not too many differences but there were some, so we asked our senior staff to work on coming up with a common set of objectives. I believe what we have in our paper happens to be the exact wording of the agreed-upon federal-provincial objectives. I believe with those objectives there will be requirements.

David Hobbs was sitting on that committee and he may have some idea how the CRTC committee is going to come down in its recommendations on pay TV. I think through the normal market mechanism, a pay TV station or channel is going to have to have that Canadian programming and it is going to have to pay program producers to create that program.

**Mr. Philip:** Supposing in the pay TV program that I have there is a Cassius Clay fight and one particular distributor specializes in fights. I happen to enjoy the boxing matches but that is beside the point. How does some of that revenue get from the fights into anything other than providing bigger and better fight programs?

**Hon. Mr. Snow:** I do not know the intricacies of the broadcast industry in detail, but it would be my belief that if a pay TV operator is going to put on some special fight, he is going to pay the promoters or the producers of that fight a sum to carry it.

**Mr. Philip:** Those producers may be in the States. It may be in Atlanta.

**Hon. Mr. Snow:** The fight may be in the States too.

**Mr. Philip:** How can you talk about promoting Canadian production and then say that the production, in fact, means paying US producers? That is contradictory.

**Mr. Hobbs:** Mr. Philip, it is not. There are two elements to a pay TV system: there is the local delivery system, which is cable and it may, in some areas, be scrambled over the air, but somebody also has to put together packages of programs that would be delivered in much the same way as a television broadcaster.

CTV today purchases programming in the United States, which may be a Cassius Clay fight, but your distributors, the people who put together program packages are going to be Canadian. If it is a sports network, under the terms of the Broadcasting Act the ownership must be predominantly Canadian. I don't think there have been any suggestions in the discussions related to pay TV or to satellite delivery or what have you that the predominantly Canadian ownership aspect of the distribution should be changed.

When you have a distributor it is much the same as having a conventional broadcaster today, it is a corporate entity, and you can get the flow of funds to move, as I think we mentioned last night, in one of two directions. You either set up a tightly controlled government monopoly in Ottawa, or you go in an opposite direction of having some degree of competition that relies on the market.

Your mechanism, which has yet to be worked out by any government, could either be a simple content quota which people have to purchase, and which has proven to be pretty ineffective system so far, or a quality type indicator, as they have in Australia. Or you can go to a percentage of revenues or incentives based on viewing targets. But the basis, in order to achieve any of those mechanisms, relates to distributors having to purchase high quality Canadian programming.

Given that those requirements are there the funds have to flow to Canadian program producers. People are going to continue to purchase American programming from the States, but as long as you have a corporate entity that is distributing in Canada the

mechanism is there, depending on whatever specific formula is selected to ensure that varying degrees of funds go into Canadian program production.

Saskatchewan, right now, has pay TV and it is purely American. They have subscribed to these federal-provincial objectives that Mr. Snow referred to, but I don't think they have any better idea of the precise or best mechanism for ensuring that funds flow into Canadian content.

Ontario has indicated a preference for establishing audience viewing levels, and in order to get that the people who distribute the programs are going to have to put money into high quality Canadian programming. If there are incentives attached to that in terms of taxes, in much the same way as the Canadian Film Development Corporation has achieved a certain degree of resurgence in the Canadian film industry, part of that will be dealt with in the hearings related to Canadian content later in the year.

**Mr. Philip:** I think there is a difference. Saskatchewan, the people of Saskatchewan own the system and, therefore, have some control over what goes on in that system. They have some control over how the revenues are being spent and how those revenues can be funnelled back into the producing of Saskatchewan, or at least Canadian, content.

Of the options you outlined, which ones are you arguing for? Which one are you favouring in your negotiations at the communications ministers conferences?

**Mr. Hobbs:** In the pay TV documents that have come out so far, and also in the extension of service document and in several statements the minister has made, there is a preference expressed for establishing audience viewing levels and having incentives attached. If they are going to reach those targets they have to get Canadian programming which, as the minister said last night, Canadians are going to want to watch. Frankly, that is substantially the same broad approach as Mr. Fox has recently indicated, both in his letter in the Star last night and in his initial policy speech.

**Mr. Philip:** Explain to us briefly how the audience viewing level system would work to provide more Canadian content.

**Hon. Mr. Snow:** My God, I don't know how many times you have to explain or say something.

**Mr. Philip:** As many times as we ask. That is your job. You are here for a certain period of time to answer questions of the members of the Legislature.

**Hon. Mr. Snow:** All members. Anyway, regardless of that, we have said we do not agree with the straight philosophy of saying that a pay TV system must have 20 per cent, 40 per cent or 60 per cent Canadian content if you don't put any requirement as to whether people want to watch that content. You can make Canadian content up out of the poorest programming possible and fill up 50 per cent of your air time with things that nobody wants to watch.

But if you say you must have 50 per cent Canadian viewer participation—and they have this system where they rate and monitor every program and can tell you how many people watch the hockey broadcasts every night, or the Gong Show or whatever it is—if you make a requirement that they must have viewer participation then they will have to have good, high quality Canadian programming that the people will want to watch, rather than telling them they have to watch, in order to get that viewer.

10:40 a.m.

**Mr. Philip:** That sounds very much like the argument the American networks make for appealing to the lowest common denominator in getting the widest viewing audience.

**Mr. Gilbert:** I think, Mr. Philip, we are right back to that basic argument. Let's face it, there is always argument about whether the government actually has to own the system or whether it can get the same objective by using the market combined with a regulated system. That is really what the argument is here, is it not?

**Ms. Gigantes:** There is a difference. There are two possible objectives and, clearly, as we have had this discussion here, there is no acceptance on the part of this government. There should be an objective that public revenues be generated by the operation of these new technical means of communications.

**Mr. Gilbert:** It is built into this—

**Hon. Mr. Snow:** Not the way she is saying it. She is talking about public revenue. She wants a publicly owned crown corporation to run pay TV, that's what she wants. Her philosophy and ours are somewhat different.

**Ms. Gigantes:** If you are going to have American programming and Canadian viewing audiences, you should look to reap revenue benefits for public purposes here in Canada. There is a difference, the minister is quite correct.

**Mr. Gilbert:** It depends on how you so-called reap it.



**Ms. Gigantes:** There are two objectives possible. One is to have a general objective increasing Canadian content. You are describing one methodology based on an audience share for Canadian programming which would provide the requirement for the distributing of programming in Canada, to have a Canadian audience of a certain size for Canadian programming. Through that methodology you would try to ensure there was enough good content in Canadian programming. It doesn't rule out the fact, of course, that one can have nothing but sports in that Canadian programming.

**Mr. Hobbs:** Sure it does.

**Mr. Philip:** How?

**Ms. Gigantes:** What has the broadest national appeal?

**Mr. Hobbs:** The licensing function of distributorships. It is not totally open to the market. In fact, no one at the present time—

**Ms. Gigantes:** You are describing a more sophisticated kind of regulation.

**Mr. Hobbs:** No one is suggesting, or has suggested in any submission or what have you in Canada, that pay TV be only sports. In fact, there has been a considerable amount of discussion about the need for anti-siphoning laws to ensure what is delivered essentially free, that is the Stanley Cup, the Grey Cup and the network and various other kinds of sports attractions, is not siphoned off into pay TV systems, that those are still delivered through your basic service.

The primary onus of the submissions on pay TV has been geared to high quality entertainment, primarily in the movie specials area. When you are asking people to dip into their pockets, as the minister says, if it is just garbage nobody is going to buy it. So the onus is primarily on entertainment programming, much the same as is delivered right now by Home Box Office and Showtime, with variations geared to the Canadian market and obviously a lot more Canadian content.

**Mr. Cunningham:** Another point you should consider is that you outline very clearly a promise of performance. If the licensee does not live up to it and does not respect it, then the caveat, is removal of privilege and trust. That is something that should be outlined very clearly in the rules of the game right from the start.

My understanding of the current CRTC experience is that very rarely, if ever, is a TV licence revoked or a penalty incurred. The same thing holds for radio stations. I think they have taken courses in fear and intimidat-

tion at the licence review which occurs every two years or whatever.

**Ms. Gigantes:** The camel and the ten routine.

**Mr. Cunningham:** That's right. The people come hat in hand with their submissions to the CRTC and explain what a wonderful job they have done. In many instances they have done a wonderful job. They are all very gratified, financially somewhat lighter by way of a communications lawyer after the hearings but they walk away licence in hand.

I would think 95 per cent of the licence holders deserve to retain their licences but rarely, if ever, is a licence removed. The process is really a sham. It is an exercise, work-generating type of proposition that the communications lawyers love. Invariably the licensees are happy, because they do leave with their licences and continue to operate which is fine. I suppose the bureaucrats gear up for another year of it.

Maybe I am overly cynical, I don't know but I can think of several occasions when I am very upset with the abuse of that privilege and trust that somebody else has that can't readily have necessarily. I can't just walk in and start my TV station somewhere. Right from the start it should be made very clear to people who have that privilege, who are granted that privilege by the province that from time to time—

**Ms. Gigantes:** It is the federal government.

**Mr. Cunningham:** I am anticipating that two years from now, or whenever, it is going to be our responsibility. I accept that given.

**Ms. Gigantes:** Not in content. They do want to touch content.

**Hon. Mr. Snow:** I don't expect, Mr. Cunningham, and I have never said it would be our responsibility to license the CBC and CTV and CHCH and so on.

**Mr. Cunningham:** I am talking about the cable guys.

**Hon. Mr. Snow:** Oh, you are talking about cable distribution systems, yes.

**Ms. Gigantes:** It is the franchise area are talking about.

**Mr. Cunningham:** Yes. If there is no mandate in it, for instance, in the application procedure the applicant promises to have certain amount of local coverage. Let's be very candid about it, the granting of a cable distribution right is a licence to make a profit of money. I don't think there are too many experiences, at least in major urban areas in Ontario, where that has not been the case.



I am not arguing against it. I think the guy who wins the application is a fortunate individual indeed, God bless him.

**Ms. Gigantes:** Look at the history.

**Mr. Cunningham:** I say this to you in a nonpartisan context, I am not in a position to determine the political flavour of people who receive those licences. I don't think I would make an accusation like that against the CRTC. I can make some other accusations against the CRTC but that may not be one of them.

Invariably the people who get these licences, although they do have a very lucrative opportunity indeed, make great promises about what kind of local coverage they are going to have, what kind of things they are going to do for the community. If you were to review the conduct of some of them at the end they would be hard-pressed to justify their existence, except to the bank and to any shareholders involved, who would say, "You have done a wonderful job, boys, making that dough in."

My point is, you may well end up having the responsibility of overseeing that. That is not necessarily to say you have to determine that extent of Canadian coverage you are going to have, but there are other performance bonds and other forms of specific performance that may be deemed to be a provincial responsibility. You should anticipate that in the context of decentralizing that responsibility to the provinces.

**Mr. Philip:** I want to deal, Mr. Minister, with another problem that arises out of a very interesting application by Canadian Cablesystems Limited for the takeover of Premier Communications Limited in British Columbia. It is interesting because there is a question in their application that deals with some of the future items that will be offered by cable TV and that they are proposing in this application. CCL is an Ontario-based company. It is certainly a very capable company and, in my experience, very responsible in comparison to other cable companies. One the less, there are a few things on which I would like to know your policy or whether you have thought them through.

1:50 a.m.

Among the items listed which Rogers Cable TV Limited, or as it is called now Canadian Cablesystems, is offering as incentives for this takeover are teleshopping, emergency alarm and energy management. The subscriber would, by using what the applicant describes as the interactive feature, be able to order groceries, have his premises

surveyed and lights or heating turned off at set times. Further, the subscriber would be able to give opinions to the TV company on a wide variety of ethical and political questions without the tedious necessity of having to call the station. The technology exists now to do so.

The technology also exists for records to be established recording the use made by the subscriber of each of these facilities. For any system involving pay TV records you would need to keep records of the programs received so that the appropriate bills could be sent out. For the first time it would be possible for an agency to compile extensive records on the lifestyle of any individual person.

It seems bad enough now that a number of us are concerned about the lists that we manage to get on, because somebody is able to sell lists of information about who we are and what our tastes are and what kinds of things we buy. The potential of that, not only by the cable companies selling off information but the possibility now in this computer age of computer theft of this kind of information, is rather frightening.

I wonder if the minister has thought through some of the civil liberties problems involved in this kind of thing. What safeguards in terms of policy will he be advocating to ensure that if I am a subscriber to a cable system my personal information is not sold or stolen and used by somebody I would not want to have it?

**Hon. Mr. Snow:** The whole matter of privacy of information enters into this field.

**Mr. Philip:** What have you done to deal with that problem? It's a problem now. Canadian Cablesystems is already offering this kind of extensive service in order to get a licence in BC. No doubt they may be offering the same systems here. I don't doubt the integrity of Phil Lind and Ted Rogers and people like that. I am concerned that they may not always be in charge of the company. Indeed, it may profit somebody further down the line to sell off some of this information.

**Ms. Gigantes:** A grade eight student may tap it.

**Mr. Philip:** A smart grade eight student with a knowledge of computers may steal from it. They are already stealing from other companies.

**Hon. Mr. Snow:** I don't pretend to understand or be able to comment on the whole matter of computer theft. I saw a major article on that in Fortune magazine in the

last couple of weeks. I must say I didn't take the time to read it in detail, but it certainly is of concern to companies that have so much recorded on computer. I can't purport to say I have a solution to stop possible theft from records maintained in computers.

**Mr. Philip:** This ministry always seems to react rather than act. We had the case of the secret medical records of truck drivers. It was only after we had protests from the drivers that the minister, luckily and with some thought, brought in an act that would take care of that situation.

**Hon. Mr. Snow:** That's not right at all.

**Mr. Philip:** The act came after you were collecting the medical records. You can't deny that.

**Hon. Mr. Snow:** But it has always been the policy of the ministry to maintain the strictest confidence about all medical records. I stated that in the Legislature and I was quite prepared to put it right in the legislation, which I did with no hesitation whatsoever.

**Mr. Philip:** The legislation came many months after we had all kinds of representation from the Teamsters union and from other groups and after Mr. Moffatt, myself and Mr. Cunningham raised the issue in the Legislature a number of times.

**Mr. Gilbert:** Mr. Philip, to be fair, the misuse of computers has always been a concern of this ministry, but building safeguards into your system isn't going to mean you are going to remove all possible further misuses. I would also say that when you are talking about cable systems that is all part of the broad problem we have as far as freedom of information and privacy is concerned.

The other point I would like to make—you were quoting Canadian Cablesystems and Rogers—is that at the hearing that took place when Rogers applied to take over Canadian Cablesystems the province then suggested—we were not opposed to it—that the CRTC should be examining the broader implications of that takeover and not just the actual takeover itself. What we are talking about are many of the things you mentioned right at the beginning of your comments—the broad implications of this takeover as far as it puts Canadian Cablesystems and Rogers together.

**Mr. Philip:** Are you saying that the federal government and the CRTC are now examining the problems involved in the development of these systems before they allow the

new licensing or takeover of these companies and the extending of the services? Surely the onus is to correct the problem before it happens rather than after when we have a series of problems of civil liberties abuses and suddenly we jump to bring in legislation.

**Mr. Gilbert:** I'm not saying they are. All I'm saying is the province suggested that they should when they were hearing that application. Maybe Mr. Hobbs could comment on how far they went into it.

**Mr. Hobbs:** You've covered a very broad range of things. What Rogers is proposing is something that is going to happen over quite a period of time. The confidentiality issue in particular is something that goes far beyond what is happening in cable, as both the minister and deputy minister have said. It is an element of a number of studies that have been done ranging right back to the computer communications task force. It has been a part of the assessment that has been done by and is being done by an interministerial committee on electronic funds transfer because that area has much more potential for or just as much potential for problems as the kinds of development you are talking about in cable.

In terms of storage in one central place of the kinds of information you are talking about, that probably is five or 10 years off. Rogers is taking a longer view. But it is very much a problem; there is no doubt about that. Safeguards are going to have to be introduced. There are studies going on at various levels in terms of freedom of information, privacy processes and electronic funds.

11 a.m.

What you are talking about essentially are safeguards on privacy and confidentiality of records in data bases generally. It doesn't matter whether it's cable systems, computer banks that life insurance companies have, or whether it's the Toronto Dominion Bank—it is a broader problem than just communications people. But in terms of all the activities that are going on, it is being looked at by both levels of government.

**Mr. Philip:** Except that there is a basic difference between the TD bank and a cable company. If it gets out to the public that information I have provided to the Toronto Dominion Bank is in some way being accessed, the pressure of the marketplace is such that the TD Bank knows such a scandal will lose them customers and cost them millions of dollars. The cable company, being in



a monopolistic situation, is much less under that kind of marketplace pressure.

I say the minister should at least give us the commitment that his position will be that before the cable companies receive these permits they at least have to come up with a viable security system that will give some reasonable guarantee that their systems cannot be accessed and that they have a plan of safeguarding this information.

**Mr. Gilbert:** You refered to the TD Bank and a cable system. The cable system is a regulated system—the same as Bell Canada, for instance. What you are really saying is you are replacing the marketplace with a government-regulated system. So are you putting it in any different category? In other words, if a cable company doesn't properly manage its system it is held accountable as far as its licence is concerned.

**Mr. Philip:** I'm saying that accountability has to be stressed prior to their being given the licence. The onus is on the government, since there is no marketplace operating in the case of the cable companies or in the case of the telephone companies.

**Hon. Mr. Snow:** What you're saying, Mr. Philip, is that if you find out the TD Bank is loose with its information you can change to the Royal Bank. But if you're on Rogers Cable TV here in downtown Toronto you don't have the option of switching over.

**Mr. Philip:** I'm saying more than that. I'm also saying that the TD Bank understands that it will suffer an economic loss.

**Hon. Mr. Snow:** I was going on to say that. That's exactly what I was intending to say.

I agree there are privacy problems in this whole field, not only in cable. I can see here it is involved if they are doing security surveillance as part of the system which they're proposing. It has great advantages for security purposes, to cut down vandalism. One of the proposals was to have monitoring of all the schools in Metro Toronto tied in through cable—to monitor school property. When if vandalism is taking place it can be picked up on the monitor, and bingo, something is done about it. It has great advantages.

But if my next-door neighbour is going to contract with the cable system to monitor his house on this type of system, and keep track of everybody who comes in and out of that house, I would want somebody to be sure that the damned camera wasn't also covering my house, and that there was not somebody collecting that kind of information.

Not that I have any devious characters coming and going around my house, but we do have a couple of stray tomcats that come around.

**Mr. Philip:** I think that the minister and I are in agreement—at least to the extent that you see cable companies as being in the same category as governments. If you have brought in legislation in such a restricted area as the safeguarding of medical records of truck drivers, do you not think that legislation is possibly needed in the area of making it an offence on the part of the cable companies if information from a cable company is accessed?

**Hon. Mr. Snow:** Whether we do or we don't, we mentioned the Ontario Telephone Act. The last major revisions to that act were in 1954, and we're doing a study on it and working with the private telephone industry to come up with a new updated telephone act.

If a delegation goes, as we think it will, and negotiations proceed on constitutional reform and other communications, such as cable television, are going to be delegated to the provinces, we're going to need a completely new telecommunications act. I think when that time comes, if there are not sufficient safeguards by way of other general privacy legislation—whether it be federal or provincial—that's when we should be talking about putting some kind of privacy requirements in the telecommunications act. But if there is a general privacy act, federal or provincial, that govern this, it may not be necessary to duplicate that.

**Mr. Philip:** I think we have fairly good grounds to assume there will be provincial responsibility for cable. We're finally at the end of the Texas versus US government and Manitoba and Quebec versus the federal government—all that kind of thing. Would you agree then that the expansion of these services should not go ahead until such time as your act is in place and the security safeguards are in?

**Hon. Mr. Snow:** I want to give you as straight an answer as I can on that. Maybe Mr. Hobbs would like to comment on this, but I am not sure we can say to the CRTC that it should not approve or disapprove of or deal with this one way or another until many other things are in place. I don't quite know whether we're in a position to do that.

**Mr. Philip:** So the answer is no.

**Hon. Mr. Snow:** That doesn't necessarily mean that if that acquisition is made these new services are going to be on stream to-



morrow. I think we're going to have some time to deal with that.

We really haven't taken a strong position on that merger or takeover, whatever you call it, one way or the other, other than to say that we do see some advantages in the rationalization plan they have put forward for rationalizing the boundaries.

There was a considerable amount of rationalization that took place with the Rogers-Canadian Cable systems merger. When you look at the old map of Metropolitan Toronto and surrounding area before that merger and after, you will see a lot more sensible areas where tradeoffs were made and boundaries were adjusted between systems. That could be taken a considerable step further if this next merger is approved. We see an advantage there.

**Mr. Philip:** Nobody questions the advantage. As a matter of fact, I just had a phone call the other day from British Columbia saying that Phil Lind was going around quoting me as being in favour of it and trying to convince some of the NDP caucus out there of some of his proposals.

I think we all recognize the value of the rationalization that is going on. However, I have an intervention with the CRTC on one of them, in terms of the quality, or the lack of service which is being provided by Maclean-Hunter Cable TV Limited as distinct from Rogers Cable TV.

I would like to deal with just one other item. That is the problem of All-View Interphase Systems Inc. and that kind of enterprise.

I would like to refer the minister to the case of All-View Interphase and Peel Condominium Corporation No. 95. The Supreme Court of Ontario handed down its decision on February 29, 1980, against both All-View Interphase Systems and Peel Condominium Corporation No. 95, almost four years after All-View cut the cable to the local cable television company and attempted to use them for their own purposes, with the consent of the corporation.

11:10 a.m.

It is assumed by the corporation that the wiring, installed in the building by the cable television company with the consent and approval of the builder, became a part of the fixtures. The court determined that this was not the case and that they never did become part of the realty. Both the cable and the equipment required to provide quality television reception remained chattels and the defendants were found guilty of tres-

pass. Court costs for the action were in the neighbourhood of \$50,000.

A similar case was avoided in Scarborough, where All-View Interphase Systems Incorporated installed its antenna system on top of York Condominium Corporation No. 365, a group of three buildings which were wired by Wired City Communications Limited, which claims ownership of the equipment.

The decision by the CRTC in a public announcement of April 15, 1976, said: "For some time, however, the commission has been concerned with the effect on the broadcasting system of the growth of unregulated cable systems in densely populated complexes.

"At the same time, the commission does not intend to interfere with the choice of persons to elect to forgo available cable services which involve a direct charge in favour of their own set-up or rooftop antennas. There is no reason, in principle, why this choice, available to residents of detached dwelling houses, should not also be available to residents of high-rise condominiums and rental units."

Multi-antenna television has been a means whereby this equality has been achieved. In fact, when you examine the individual situations, you find that people who wish to subscribe to cable TV are being denied that access by landlords who make arrangements with the multi-antenna TV systems and install these aerials on the top of the roof of their building.

The Minister of Consumer and Commercial Relations (Mr. Drea) has refused to take any action to safeguard the consumer in this regard. I believe, Mr. Minister, it is absolute nonsense to say, as does the CRTC that an MATV system is analogous to some home owners' rooftop antenna in both configuration and its range of services and should be exempt from the commission's regulations.

We've had constant stories of abuses by these various aerial companies. We've had stories of kickbacks to landlords by some of the MATV companies, although it's very hard to document this because obviously neither the MATV company nor the landlord wish to come forward and give that kind of evidence.

We've had cable companies denied access by landlords who refuse to allow them access to their buildings, even though they carry insurance—and in the case of Rogers Cable TV Limited up to \$1 million—to guaran-

that no damage will be done to either the property or individuals in the building.

What we've got is an unregulated cable TV system in competition with a regulated cable TV system, with no consumer protection in the way we have in the case of a cable company. I wonder what the minister's position is on some of these problems. I'm sure he has received countless letters on this. There is a petition here signed by the tenants at 190 Clark Boulevard, whose signatures are attached to the petition. "We earnestly request the management of this building to review the possibility of providing Rogers Cable Service instead of the present service that we receive."

Hon. Mr. Snow: Pardon me. To whom is the petition addressed? I don't recall ever receiving any such petition.

Mr. Philip: The petition was sent to the CRTC by Rogers Cable. There is also a letter from Mr. Armstrong to Mr. Edwards at Rogers Cable, dated in 1979, saying:

"Thank you for your letter of November 28, and the attached copy of a petition by tenants at 190 Clark Boulevard. We have been monitoring this type of problem for a number of years and appreciate receiving the information on it. As you may know, the problem of access to apartment buildings by cable companies is one of a number of problems requiring legislative solutions outlined in a letter to the ministry in 1977.

Since then, a joint MTC-Ontario Cable Telecommunications Association committee has been established to review and suggest solutions to these problems. Mr. Snow has determined that, based on the recommendations which may emerge from this committee, and on input from other sources, new comprehensive legislation should be developed and introduced to deal with these problems as a complete package.

I am asking you what legislation are you going to introduce to safeguard the consumers in those buildings who want to say: "To hell with the aerial companies. We are not getting decent service. There is no consumer protection. It is being added to our rent, either through a direct levy or through the rent review process, and we want to deal with a cable company that will give us decent service and community TV."

Hon. Mr. Snow: I don't know. You are adding a lot of things there that I have no access to and I don't wish to comment on them.

Mr. Philip: They are letters from your ministry. I would be happy to supply you with them.

Hon. Mr. Snow: I don't see every letter that comes to and from the ministry, unfortunately.

Mr. Philip: This letter has, in fact, promised legislation.

Hon. Mr. Snow: Who is the letter from?

Mr. Hobbs: That is from one of our staff members. The legislation is the same legislation the minister was talking about that would be required if and when delegation of whatever responsibilities takes place. There are a whole range of issues that are going to have to be dealt with in terms of legislation apart from simply setting up a regulatory body.

In terms of one of your earlier comments on the privacy of information stored, the minister touched one of the issues that is being looked at both within an industry group and internally, which is the problem of access. To date, it has not been that much of a problem.

Mr. Philip: That is nonsense.

Mr. Hobbs: No, it is not.

Mr. Philip: It certainly is.

Mr. Hobbs: It is related to your comment about the increasing sophistication of MATV antennae and it is becoming very much a problem. In terms of the mail that we receive, and I know the CRTC receives, petitions are starting to mount because of the emerging of sophistication, but in the past it has not been, in terms of the letters we have received, any type of overwhelming problem.

It is one of the issues that is being dealt with in terms of the whole range of matters that are going to have to be put into legislation. There are no recommendations that have gone forward to the minister yet or have come forward out of any of the committees that have been dealing with it. Certainly, the CRTC has done absolutely nothing in that whole area.

Mr. Philip: I agree that the CRTC has done nothing, unfortunately. To show there is evidence about the problem, I call on Maclean-Hunter Cable TV Limited. They have at least four buildings where they are being denied access. Rogers has a number of buildings. Any of the cable companies will tell you that they are being denied access for reasons that vary. In my case, in my riding, the residents of a building on Kipling Avenue are denied access because of the landlord. Ironi-



ally he is the father of the legislative counsel to the Minister of Consumer and Commercial Relations, who should possibly be the one who is bringing in the legislation safeguarding the consumer in this regard either under the Landlord and Tenant Act or a separate act. He simply does not want his building touched in any way by an outsider.

Rogers has bent over backwards to try to co-operate with this landlord and has given him all kinds of guarantees. What you are talking about there is some eccentricity on the part of the landlord.

**Hon. Mr. Snow:** Is that something for which you think I should bring in an act to deal with immediately without any other communications legislation?

**Mr. Philip:** I think it is an immediate problem.

**Hon. Mr. Snow:** I am not sure it should be in our act. I think access is more of a Landlord and Tenant Act problem rather than a communications problem. I am not saying it is not something that should be looked at as part of our package.

11:20 a.m.

**Mr. Philip:** You have two problems with it. One is that these companies, particularly in the larger buildings, are offering an alternative cable system.

**Hon. Mr. Snow:** Some offer both.

**Mr. Philip:** They claim they are offering community programming. I have yet to see any of any quality. I have told the Bassett empire that I would be happy to see one of its experiments where it was providing community programming. I have not seen any yet. That is who All-View Interphase Systems Inc. is owned by.

The other, of course, is a consumer problem and, in some sense, a civil liberties problem. I think I have the right to have information brought to me, as a tenant, provided I can make economic arrangements to have that information brought in to me. Just as I have a right to have United Parcel Service deliver to me my copy of whatever magazine I may want, if I wish to have it delivered that way. Just as I have the right to receive access to information by telephone, and just as I have the right for the postman to enter a building. So, too, I think the cable companies have an absolute right, provided that it is economically feasible and provided that the guarantees are there that they will not cause damage to the building, to enter a building.

So you have two things. One could be handled by the Landlord and Tenant Act.

I had a private member's bill on it which was ready to go until we found that section of the act under which I wanted to introduce it was deemed to be unconstitutional by the courts. Pending that, surely the Minister of Transportation and Communications can give some safeguard to the consumer that these companies are at least regulated and that, in competing with the cable companies, they are competing on the same basis. Right now, it is simply unfair for a cable company not to have access to these buildings while the landlord allows one of these aerials to go up.

**Hon. Mr. Snow:** I am having some problem with this philosophy. If people want to have a master antenna on a building why should they not be able to have a master antenna?

**Mr. Philip:** No argument.

**Hon. Mr. Snow:** The condominium apartment in Oakville where my daughter lives is a new, modern complex. She has a choice. There is a master antenna on the building which she chooses to use and it costs her nothing. It is part of the service of the condominium. If she wants cable she goes to Oakville Cablevision Limited or whatever the company is. I believe it is owned by this outfit in BC that Rogers is trying to take over. She signs up and pays her \$6 or \$7 a month and they switch a wire down in the basement or somewhere and then her signal comes on cable instead of from the antenna.

**Mr. Philip:** That is what we are saying should be done. But, unfortunately, what you are getting are situations where the aerial company goes in, manages to get the landlord to agree to put the aerial up—

**Hon. Mr. Snow:** The landlord may own the antenna. In any apartment building I have ever built, and I have not been in the business for a number of years, we owned our own antenna. We bought an antenna system, prewired the building, put an amplifier in the roof and supplied that signal to the tenants. You can't say it is free, but it was part of the building. That building, the one I am thinking of, was built about 1965. There was no cable system in Oakville at that time; there was not even any thought of one. We did not do the wiring of the building.

I have no interest in the building now and have not had for 10 years, but I am sure the problem is there in that building. Should they maintain the master antenna system or, as I presume they could, switch over and use that wiring in the building for a cable distribution system, in which case everybody would have to go on cable



There is no way that I could see, in a 12-storey concrete building, you could wire that building at the present time.

**Mr. Philip:** That isn't the case because, in fact, you can wire a building without any visual problems and the cable companies have done this. The problem is not that people have the option; the problem is they don't have the option. The problem is there is no quality control over what amounts to a competing cable company but is passed off as an aerial system. The problem is that in all research that has been done by the cable companies where people have a choice of either the aerial system or the cable system, invariably more than 50 per cent, and sometimes as high as 80 per cent and 90 per cent, are willing to pay the extra \$6 or \$7 to have the cable system over the aerial system. The break-even point financially for the cable companies is 40 per cent.

I say tenants and other individuals have a right to have that choice where 40 per cent more of them in a building want it, where it becomes economically viable for the cable company to provide that service. Right now that you have is unfair competition by Allview, which managed to get a monopoly on a building and is able to keep the cable companies out.

**Hon. Mr. Snow:** Mr. Hobbs, I don't know whether you have a comment to make. We have no jurisdiction, no legislation, no authority to deal with that type of situation at the present time. If we get delegated authority from the federal government to regulate those types of systems we may very well have the authority to do something about it then.

**Mr. Hobbs:** I have one preliminary comment. Bell Canada has to get permission of a apartment owner to go into his building. All Canada has a statutory requirement, an obligation to serve, but at present there is no statutory provision requiring a landlord to permit Bell Canada to go into a building. Obviously, because it is an essential service, they are not going to be able to essentially reject apartments if they don't allow telephones, so it is a non problem. But from a purely legal point of view that doesn't exist in a statutory form right now.

**Mr. Philip:** The problem in the case of a consumer, though, is that he goes in and rents an apartment, he assumes he is going to have a telephone in there, he sees an outlet on the wall; he assumes then that he has cable TV. He is probably more interested in the size of the apartment and things like that and worries about these other things afterwards.

Many people are being suckered into buildings and then find out they can't get cable service once they are in it. They are tied into a lease and there is very little they can do. I think the cable companies should have the right of access. I think also, in terms of competition, that All-View should come under the same kinds of regulations that the cable companies have to submit to and they don't.

Pending at least the final constitutional question on the control of cable, would the minister at least promise us that he will take up with his federal counterpart the fact that the CRTC should regulate these aerial companies? It isn't the same as my putting an aerial on my roof, because I can clearly do that. In the case of an apartment, though, I can't; somebody else has done it for me.

If I put an aerial on my roof I also have free access to cable. I can have both the aerial and, if I want to pay extra money, I can have the cable. So my second option is not closed to me. Apartment dwellers, though, and some people living in condominiums are having the option of cable denied to them and the cable companies are having competition from companies that are completely unregulated.

**Mr. Cunningham:** Mr. Chairman, I think it is an important concern that has been raised and one that I don't know is in the purview of the ministry. I rather doubt it. This is a small part of a very large budget and, as always, it seems we come down to the wire at the conclusion of these estimates and still have two large items to be covered in the course of, now, one hour. Specifically, I am referring to votes 2607 and 2608 which, by my rough calculations, are 48 per cent of this \$1.2 billion budget.

11:30 a.m.

The member has made his point and if there is something the ministry can do I am certain it will endeavour to do what it can. But I am wondering if we can get on with the other two votes before we end up passing them in a period of four or five minutes?

**Mr. Chairman:** Mr. Cunningham, I am glad you mentioned it, because we have been three and a half hours on this vote and two members of the NDP have taken up two and three-quarter hours. One of the government members who left last night discussed it, and he also left this morning. He wanted to ask a question. I just want you to know there is one hour to go for those two votes.

**Hon. Mr. Snow:** Mr. Chairman, I do appreciate this year that we have had an opportunity to discuss communications issues,

because it's the first year. This is the fifth set of estimates I have had here, and I have sometimes felt that no one was interested in the communications aspect of the ministry because there has never been a discussion. I do appreciate the fact we have spent some time on it. I know we have pretty nearly half the budget left to do on these next two votes. I am prepared to answer questions on whatever vote, but I do say it has been good to get the viewpoint of the members.

**Mr. Chairman:** I'm not being critical, just stating the facts.

**Mr. Philip:** Let's proceed with the vote, Mr. Chairman.

Vote 2609 agreed to.

On vote 2607, municipal roads program:

**Mr. Cunningham:** Mr. Chairman, very briefly, so that other members might participate, I just have several concerns. I would like to know how the ministry is involved in the tender process, when examining and auditing with regard to municipal roads, to see that the province is obtaining good value for the money it has expended there? It is a significant amount of money, a great deal of assistance to our municipalities. This year it was \$419 million.

**Hon. Mr. Snow:** Almost \$420 million.

**Mr. Cunningham:** Yes, sir, almost \$420 million. If we just had another \$88,000, we would have \$420 million. I am just wondering what kind of auditing process you had and what kind of supervision exists within the control structure of these expenditures?

**Hon. Mr. Snow:** The municipalities and the municipal engineers—there is a Municipal Engineers Association which has a liaison committee—work very closely with our ministry. All the specifications, research, guidelines and design criteria that the ministry have are available to the municipalities. It is not mandatory to a great degree, but it is available. The county engineers, for instance, have basically agreed on a standard specification and standard criteria for all county roads. If you go from Dufferin county to Wellington county, if the road has been rebuilt recently, it will have been rebuilt to the same standards.

Also, we have a guideline for tendering practices which the ministry prepared. We updated and distributed that to every municipality about a year ago. Do we have one here? We don't have one with us, but we will get one sent to you, Mr. Cunningham. We recommend that every municipality follow that guideline of tendering practices, but, on the other hand, it is not mandatory. We

don't like to use a heavy hand on the municipalities. I don't really have any knowledge of any account, considering we have about 900 municipalities out there awarding contracts and very few times, if any, do we get complaints.

One municipality, or maybe more, a couple of years ago, for some reason unbeknownst to me, rather than using the bid-bond arrangement, where they got a bid-bond from the contractor—bid-bond or certificate—cheque is the standard sort of thing—decided they wanted to go to a letter of credit. They wouldn't accept a bond. They wanted a letter of credit from the bank for a certain percentage of the contract. I know many of the contractors refused to bid under those conditions; it ties up a tremendous amount of capital. They had trouble getting bids under those conditions. I don't know whether they have changed their mind—whether they are still using that process or not.

**Mr. Gilbert:** Is this the exception to the low bid, Mr. Cunningham, or is it the actual specifications themselves?

**Mr. Cunningham:** No, I am aware of your specifications program and I think that's great assistance to the municipality—especially to the smaller ones that want to rely heavily on your advice. I think generally has been good—

**Hon. Mr. Snow:** There are two levels to think of involvement of the ministry. If a municipality has its own engineer, and a staff—I don't know where the line is drawn but they basically are allowed to approve their own drawings. The smaller municipalities submit their drawings to us for approval is that the way it is?

**Mr. Gilbert:** At the present time, this is really where we are moving. Right now we approve basically all contract drawings submitted. But we are reviewing this whole process, as the minister said, trying to have our system suit the type of expertise that exists within the municipality.

But getting back to the actual tender, they are accepting the low tender, then, of course, there is no question. If they are accepting something higher than that, they subsidize on the basis of the low tender.

**Hon. Mr. Snow:** Or the lowest qualified tender.

**Mr. Gilbert:** That's right.

**Hon. Mr. Snow:** There can be a first tender for some good reason being rejected and the second tender accepted. Then they would subsidize on that second tender. I would say the municipality has half a dozen good



qualified tenders to consider and the low bidder is a qualified, recognized good contractor, but there is a local contractor who is the third bidder. He's only \$10,000 higher, but the municipality wants to give it to the local fellow. We will not say, "You can't give it to the local fellow." We would certainly not encourage this, but we would subsidize the low bid.

**Mr. Cunningham:** You have anticipated my second concern. But given the amount of money that is expended on an annual basis here, and it really is necessary for municipalities, I am just concerned then on every occasion the taxpayers of Ontario get good value for that massive amount of money. I repeat that it's 35 per cent of your budget. I am just wondering if there is any procedure that you might contemplate where you would spot review, analyse or audit, maybe, for the want of a better word.

**Hon. Mr. Snow:** We audit every municipality's program because that's how we pay the subsidy—

**Mr. Cunningham:** That was my original question.

**Hon. Mr. Snow:** On the audited costs.

**Mr. Cunningham:** So let's say we build a highway improvement in the township of Flamborough where I live and the program is approved by you people and the project is completed. What's the procedure that you go through now to make sure that what was specified was obtained, and there was specific performance on the contract? That's my question. What procedure do you go through to obtain that information?

**Hon. Mr. Snow:** Normally either the municipal engineer, if it's a municipality that has a municipal engineer, and his staff would supervise and inspect the construction as the contractor is carrying out the work, to see they are getting what they paid for. If they have let the job out to a consulting firm to design the bridge or design the road, normally they have a contract with a consultant to do the supervision. The consultant supervises the project, and certifies monthly and at the completion of the job that the job has been built in accordance with the plans or specifications before the municipality pays him.

When there is a lot of work done—what we call day labour work. The municipality or a small township may just have a road superintendent, a couple of helpers and a couple of dump trucks. They put in culverts, fix roads, take out bends and what not, doing it just through their own forces. Then, of course, they

are responsible for seeing that they get value for their own money spent that way.

11:40 a.m.

**Mr. Gilbert:** I think a lot depends on the municipality. As you know, in all our districts we have municipal engineers. We also have municipal technical people. If there is a municipality that doesn't have the expertise that's involved in a contract, then our people are aware of just their capabilities of doing it. But in so many other areas where they have engineering staff, as the minister said, certainly we are not going in to check it out.

Our main interest is in how well the provincial dollar is being spent. The municipal auditor's main interest is determining whether everything eligible for subsidy has been covered and those items that are not eligible for subsidy are picked out. There was about \$8 million difference, I think it was, last year in what had been claimed for subsidy and what was not eligible.

**Hon. Mr. Snow:** As an example, say a municipality is paving a street and decides it would be a great time to pave the parking lot near the local arena which is right off the street. They pull the paving machine in and pave the arena parking lot and inadvertently claim all that asphalt as part of the road construction. It is hoped our auditors would pick that up because we wouldn't be subsidizing the parking lot.

**Mr. Cunningham:** That was part of my concern.

**Hon. Mr. Snow:** I won't say we catch 100 per cent, but I don't think there is very—

**Mr. Cunningham:** We don't allow that in Flamborough.

**Hon. Mr. Snow:** Did you get your driveway paved or something?

**Mr. Cunningham:** No. Listen, I am the last guy on the street and if you are contemplating it—I have a brick driveway.

My second concern, are you satisfied with regard to the tender process that the current industry is sufficiently competitive in all parts of Ontario? These are big projects quite often and business is tough these days, interest rates are high—

**Hon. Mr. Snow:** I don't know whether I have the paper right here or not, but I get a report from the—I am talking about the ministry contracts, I'm not talking about municipal contracts now—

**Mr. Cunningham:** I am worried about both quite frankly. You are one step removed in terms of privity on the municipal contracts, but at the same time you are on the paying end.



**Hon. Mr. Snow:** I get a list and I got one recently for the last fiscal year outlining the number of contracts that have been awarded, broken down into the different sizes, the number of bidders on each contract, the average number of bidders on the contracts, and we run a price index information so that we know what the unit costs are doing.

Every six months I get that report and I think—certainly in the ministry contracts you may have some jobs you only get two or three bids on, lots of times you will get eight or 10 bids. Certainly I think the average was about six.

This is not the complete breakdown, but the capital contracts we had in 1979-80 were 149 contracts, 792 bidders, an average of 5.3 bids per contract. Those are capital contracts. For ordinary contracts—just for gravel, crushing and spreading calcium and things of that type—there were 71 contracts, 221 bidders, an average of 3.1 bidders. That is flavoured by the fact that when you call tenders for calcium chloride application and what not, with a lot of those you get only one bid, sometimes two.

**Mr. Cunningham:** I think we found that out on our select committee.

**Hon. Mr. Snow:** In general I would say that the industry is very competitive, very hungry. The industry is healthy, I think, but certainly no one has an overabundance of work on hand.

For instance, last Friday afternoon, out at a project in Oakville, I just happened to run into the town of Oakville engineer, Hal Ellis, and he said, "Well, we saved you some money last week. We got the bids in on the Third Line job and they're \$150,000 below our estimate." I didn't go into details and ask him how many bids he had and so on, but he was very happy, obviously, with the prices that they got.

We don't like to see, especially a major contract, municipal or otherwise, awarded if there's only one bid or something like that.

**Mr. Gilbert:** You might add too, Mr. Minister, that—and the minister has been talking, of course, about the provincial contracts right now—the procedures that we have used over the years of only subsidizing the low qualified bidder has been very good because, quite frankly, a local municipality, if they know that they are not going to be subsidized, will be very careful in awarding it to another contractor. I think they rely on us in assisting them in sticking to that.

I also would mention, Mr. Minister, that a number of municipalities are starting to

use our prequalification control system. That, as the minister says, particularly with larger contracts, means that the contractors who are bidding are prequalified and certainly are a part of our prequalification system, even though they are bidding on jobs for municipalities.

**Hon. Mr. Snow:** We allow the municipalities to use our prequalification system so they can say when they call a contract that bidders must be prequalified and have the available rating with MTC to cover that job.

**Mr. Cunningham:** Will you be kind enough to send that along to me? I'd like to take a look at the prequalification procedure.

**Mr. Gilbert:** We can only give you the procedure. We certainly can't give you information on the individual contractor, but I don't think you were asking for that.

**Mr. Cunningham:** No, I don't want that.

**Mr. Gilbert:** We can certainly send you a copy of the procedure.

**Hon. Mr. Snow:** All our contractors, other than the odd maintenance contractor, have to be prequalified. It has been that way for 20 years.

**Mr. Cunningham:** That's the process we would like to see. I'm just generally concerned that the industry remain competitive and healthy so that when we are contemplating any kind of program at all, there is no abuse of public money, because there is a great deal of money here.

I'll give you a hypothetical situation. You plan call for the expansion of Highway 403 northward through Burlington, Oakville and Mississauga, some time, notwithstanding some concerns that various local councils may have about that. I don't know how you're going to separate project by project, but for the project that's going to go through north Burlington or the west end of Oakville or Milton as it travels through your area anyway, it's going to be pretty tough for somebody to beat, either Bot or King Paving. Those are just the harsh facts of reality.

**Hon. Mr. Snow:** It's not that they don't try.

**Mr. Cunningham:** Maybe they try, but operation is based in Oakville and King Paving, through Nelson Crushed Stone, they're not on strike or a lockout, have the facility there. I just don't know whether Mil Paving or somebody else can come in.

**Hon. Mr. Snow:** They quite often do. For this particular job in Oakville last week, municipal job, I believe it was Dufferin who had that job. The one on Bronte Road

the region of Halton is being done by Dufferin, and the job is half a mile from Bot's yard, and not very far from King.

1:50 a.m.

**Mr. Lane:** You mentioned, Mr. Minister, a few moments ago that some of the work was done by day labour and your staff sort of supervises this, and tender for a given number of trucks or backhoes or whatever they need to construct that piece of road. This is a great advantage to an area like my riding where there are no big contractors and when a big contract is let the money goes away from the area. How do you find it in terms of dollars and cents?

**Mr. Gilbert:** Day labour versus contract?

**Mr. Lane:** Yes.

**Mr. Gilbert:** It depends an awful lot, of course, on the circumstance, but normally contracts can beat the day labour.

**Mr. Lane:** You get more mileage for less dollars on a contract as a rule?

**Mr. Gilbert:** That's right.

**Hon. Mr. Snow:** Day labour works for certain smaller projects. In the ministry we are doing very little day-labour construction work. We have a few projects each year, mainly in northern Ontario, but the municipalities, which is what we are talking about, and municipal roads, of course, do a lot of day-labour work with their own forces, sometimes with their own equipment. They hire outside contractors and truckers and so on.

**Mr. Lane:** It is of great assistance to the economy of the area. Hopefully, it would not be too much different in the amount of work you get done. I was a little curious about that because—

**Mr. Gilbert:** In some areas, as you know, as you have just said, there are just not the contractors available to do it. Certainly, there is no question, but most of the provincial contracts are done by contract.

**Mr. Cunningham:** I have one final question, and that is that with the unemployment picture not as bright as it could be in many municipalities—and I am thinking now of places such as Welland and Niagara Falls; Hamilton is not the greatest; we have certainly heard a lot about Windsor; I anticipate maybe even Oakville, but I don't know how many more paving projects there could be in Oakville—I am wondering to what end you might encourage or accelerate your plans in your provincial program and encourage municipalities to stimulate their capital projects in the context of creating some jobs.

I think Windsor, for instance, has been after you to make some improvements to—what is it?—the E. C. Row Expressway.

**Hon. Mr. Snow:** We have just awarded two major contracts on the E. C. Row job within the last two months. There is another contract to be awarded, I think it is in August or early September, and there was one last fall. There were a couple last year. Windsor has more construction going on in one area, I think, than any concentrated area of the province because of our commitment to accelerate the E. C. Row. There is about \$30-million worth of work being done on the E. C. Row—\$7 million or \$8 million last year, about \$20 million this year and from \$2 million to \$5 million will carry over into the next year on that one particular area.

In addition to that, there is the contract at the other end which is going to be called this fall, and another one probably next year. On municipal work, the city of Windsor came to us last year and we gave them some supplementary funds to proceed with a municipal road job, the Lauzon Parkway which ties into the E. C. Row in the general area of Ford. There is a tremendous amount of work going on in Windsor.

I know there is a lot of unemployment in Windsor, but yet I hear from some of the contractors and what not that they are having—I won't say having trouble getting help, but generally auto assembly line workers or engine makers aren't bridge builders, so it doesn't exactly balance off.

**Mr. Cunningham:** If there is any money left and you feel like dropping it at Highway 403 and Fiddler's Green Road in Ancaster, I know my council will appreciate it.

**Mr. Gilbert:** Certainly, we schedule all the money we have available for it. In fact, we have contracts available, as the minister knows, for a good deal more if we had the money available.

**Hon. Mr. Snow:** We could accelerate the provincial program very quickly if additional funds were made available. In fact, we have a number of jobs available to go to tender within a month's time if additional funds were available.

We have dealt with all the municipal applications for supplementaries this year. We have tried to give them as much as we possibly could. We have tried to make the supplementaries available where possible to municipalities, especially the rural townships and what not, for bridges and culvert construction because that is more labour intensive. There are a lot more hours of manual

labour that go into building a small concrete bridge than there are in 10 miles of paving a road, because the money is all in the black stuff and there is not too much labour. They do it in a couple of days and they're gone, whereas if you build a \$50,000 bridge there is a lot of manual labour. So we have given a higher priority to bridge and culvert work this year in our supplementaries.

If a municipality comes in, we can't give it all the supplementary funds. We had \$53 million in requests, I think it was, for supplementaries and we had about \$22 million that we held back to deal with supplementaries. But if a municipality came in and said, "We want \$20,000 extra to do this bridge, and we would like to have \$30,000 extra to do some paving," we obviously couldn't give it all to them. We would say, "We will give you the money for the bridge."

**Mr. Cunningham:** I have no further questions.

**Mr. Philip:** I would like to bring up a matter of concern to some people in Ottawa concerning the regional transitway, and that is the only item that I want to deal with.

**Hon. Mr. Snow:** That would be on the next vote, I guess. I'm available whatever way you want to do it.

**Mr. Philip:** I am at the discretion of the chair.

**Mr. Chairman:** It doesn't matter to me.

**Mr. Philip:** We can carry this vote if you like, and go on to the next vote, if that makes it easier.

Vote 2607 agreed to.

On vote 2608, municipal transit programs:

**Mr. Philip:** I will describe the problem as I understand it to the minister and hope that perhaps—

**Hon. Mr. Snow:** I will ask Mr. Kidman to come up. He is the transit expert.

**Mr. Philip:** Perhaps he can bring the matter to the attention of the Minister of Colleges and Universities (Miss Stephenson), and between the two of them they may be able to exert some influence.

**Hon. Mr. Snow:** There was a meeting on that yesterday.

**Mr. Philip:** With the Algonquin College property?

**Hon. Mr. Snow:** With the Algonquin College board of directors. I can't tell you the outcome. I just happen to know that some of my colleagues were meeting on that matter yesterday.

**Mr. Philip:** Okay. I will describe the problem briefly, and maybe the minister may have some comments. Or once he has it on the record, he may be able to discuss it with not only his people but the Ministry of Colleges and Universities.

As I understand it, the Algonquin College campus near the Queensway is the logical route for the transitway, which will go from downtown Ottawa through a part of Sand Hill and out to the south end of the city. A stop on the edge of Algonquin College property which is now used as a parking lot would mean that several thousand students in the college would have easy access to transit. They would also be within easy walking distance not only of the Ottawa east community, but also of a large low-rent CMHC development across from the Queensway.

The board of Algonquin College, despite its being a provincial community college, has gathered and rejected the request of the regional municipality to put a transitway through its property. Their specific objections regarding vibration, visual intrusion and possible loss or sterilization of their land have all been met by the regional authorities. None the less, the feelings now are so antagonistic between the two that the Minister of Colleges and Universities (Miss Stephenson) has been impressed, I gather by the Minister of Culture and Recreation (Mr. Baetz) and the Minister of Housing (Mr. Bennett) to use expropriation, if necessary, to acquire the property. I can just see the Minister of Housing standing with his sword on the barricades and taking away Algonquin College property. She was talking about bringing the Algonquin board down to Toronto to get them to try to reach some resolution. I gather that is what you are talking about.

**12 noon**

**Hon. Mr. Snow:** There have been several meetings. I haven't been directly involved. The region of Ottawa-Carleton has been planning this transitway. We are involved. We are budgeting for it to pay our share. We support the program 100 per cent, but the actual property dealings, the acquisition of right of way and what not are the regional municipality's responsibility. I know Miss Stephenson and others have tried to assist in this stalemate between the Algonquin College board and the region.

I am at somewhat of a loss. You have said exactly what I would have said. The advantages to the college are better than and all these things. I understand the regional



of Ottawa-Carleton has bent over backwards to try to meet all environmental concerns and all the other things. It just seems somewhat ridiculous.

**Mr. Philip:** I gather the tender call for the first contract is being put in jeopardy by the stalemate. We are talking about construction jobs and construction contracts at a time when this industry is in bad shape. I don't believe in building and using transportation as a means of creating jobs, but in this case it is a service that can be justified on its own, while at the same time we have a job and construction payoff.

**Hon. Mr. Snow:** I don't know the result of the meeting yesterday or whether any progress was made, but I do understand there was a meeting yesterday afternoon.

**Mr. Philip:** I gather then that you are in favour of the route and support it and that you will meet with the Minister of Colleges and Universities and report back.

**Hon. Mr. Snow:** I have already discussed with her.

**Mr. Gilbert:** We have supported the route and the concept right from the beginning. In fact, several years ago we gave Ottawa a commitment that we would schedule our funding to assist them with their planning.

**Hon. Mr. Snow:** There is no delay in our part, I can assure you.

**Mr. Philip:** It is pleasant then to finish off the estimates of the ministry on a vote of agreement because certainly the route seems reasonable. The people in our area are in support of it. The students are in support of it. It seems to be only the college board of governors.

**Mr. Chairman:** I know a little of the story of that. Frank Ryan's estate donated that property to Algonquin College. It was pretty highly priced real estate, but he was a very community-spirited man. I think some of the directors feel that since he donated for that it should stay intact. That is the interpretation I get.

**Ms. Gigantes:** There has also been a major problem with some of the buildings threatening to fall down at Algonquin, which must be a concern for the board of governors.

**Hon. Mr. Snow:** I am not aware of that, or what reason?

**Ms. Gigantes:** Shaking structure. I guess old construction was the problem. It's a difficult topography to build on.

**Hon. Mr. Snow:** I don't think the transit authority is going to make them fall down.

**Ms. Gigantes:** Buses usually don't help when there are loose walls.

**Mr. Philip:** On the same vote, can the minister or his staff give us any update on the success of the TTC pass system? Some people have had some questions about the fact that the pass in Toronto, I gather, is the highest-cost pass in North America. Is that not correct?

**Hon. Mr. Snow:** I am not sure of that.

**Mr. Philip:** Do you have any update information on that?

**Hon. Mr. Snow:** It was just implemented 21 days ago.

**Mr. Philip:** Yes, I realize that.

**Hon. Mr. Snow:** On May 1. We support it. We have the pass system on the GO trains and we are quite interested in the TTC pass system. Was the target 40,000 or 50,000?

**Mr. Kidman:** The target was 40,000. I think they have sold a few more than that.

**Hon. Mr. Snow:** What I would be interested in seeing is what happens six months from now, because certain people I have talked to, the regular commuter who uses TTC just to go to work and back every day, doesn't feel there is any real incentive to buy the pass. They ride for \$1 a day, 50 cents each way, if they buy tokens. It is \$26 a month for the pass. The average person works about 21 or 22 days per month. Unless he has a number of extra trips, it is not worth it.

**Mr. Philip:** It is not worth the hassle of getting the pass and having your picture taken.

**Hon. Mr. Snow:** So it is not any real bargain. The odd person I have talked to, who works downtown in an office in the TD Centre and comes back and forward to an office here two or three times a day, thinks it is a great advantage.

What I would like to see is how many are sold for the month of May on the implementation and then whether it actually grows or tapers off. In the summertime, I am afraid it may taper off because a lot of people who would normally buy it will be away for a week's holiday during July or August and are not going to buy a monthly pass that month because they would lose on it. We run into this with GO Transit. A person will buy a pass, say, from Oshawa to Toronto or from Oakville to Toronto. Then the company he works for says, "We want you to go to Winnipeg for a week." They find out they are not using the pass for a week and would like to get a refund which is pretty nearly impossible.

**Mr. Philip:** Are there any lessons you have learned from the GO pass system which have been transposed into the TTC passes?

**Hon. Mr. Snow:** They work together. TATO, Mr. Kidman's group and the TTC have worked together on all these things, on all information and anything we have. I am quite interested in it, but I think we have to wait to see what TTC's experience is with the pass system. I am very interested in seeing a joint GO-TTC pass whereby a person could buy a pass from Georgetown or wherever on the GO train. It would be a special pass of some kind. Suppose they pay \$100 a month for that and \$26 a month for a TTC. Maybe for \$120 or \$125 or something, they could buy a joint pass to take them wherever they want to go.

**Mr. Philip:** As the minister knows, I have been asking about that for years.

**Hon. Mr. Snow:** If I may make one more comment, TTC said to us: "We are not disinterested in the joint pass. We want to get a little experience, get our feet wet with our own pass system and then we will talk to you in maybe six months or a year from now."

**Mr. Philip:** One of the advantages of the joint pass system in Rexdale is that it would reduce the number of cars going down to the parking facilities at the GO. That creates additional traffic from the north-south routes on Kipling, Martingrove, et cetera.

I wonder if the minister has had any complaints about the lack of parking facilities. I realize they go to the TTC, but he might also have had some complaints about the lack of parking facilities at the end of the TTC routes, particularly at the top of the Allen Expressway and at the Islington-Bloor station. I know I started using the TTC system and became frustrated so many times, perhaps because I come down after the major number of people park. I have heard other people say if they happen to be coming around 9 o'clock or 9:30, the parking facilities are full. You say, "What the hell." After you have been turned away from the parking lot three or four times, you just don't bother. I wonder if you are getting complaints about that, and whether TTC has any joint ventures with you to build additional parking facilities.

12:10 p.m.

**Hon. Mr. Snow:** The TTC has built parking lots, and we subsidized those at the same capital rate we subsidize anything else, 75 per cent. At the end of Spadina, for instance, they built major surface parking lots, which I understand are being pretty well fully utilized—over 100 per cent occupancy a

day. I know they are having some discussion about enlarging them.

We carried out a study at the request of the city of Toronto and Metro on the possibility of a parking garage on Spadina and submitted this to the TTC. We said we would be prepared to subsidize the construction of that garage. Metro has not seen fit to proceed with that. They are looking at some other options. One option they are looking at is some type of increased parking, another level of parking on part of the Yorkdale Shopping Centre parking facility that could be used jointly by Yorkdale and by commuters.

**Mr. Philip:** That would be very convenient because when the system first went in I know a number of people parked in Yorkdale. I can understand the problems of the merchant saying, "We are not in business to subsidize the TTC, and there is no evidence these people are shopping in our stores."

The matter of Islington is even worse.

**Hon. Mr. Snow:** The subway is being extended out to Kipling, and additional parking is going in there. The Islington station is used as a transfer point for a lot of buses: GO buses, Mississauga buses and TTC buses.

**Mr. Philip:** And all the northern ones.

**Hon. Mr. Snow:** That is being extended out to Kipling and there will be transfer points. I think there will be 1,000 spaces at Kipling.

**Mr. Cunningham:** What is your disposition to the city of Toronto request with regard to this Glencairn garage?

**Mr. Gilbert:** The minister was just saying Mr. Cunningham, that the TTC right now is actively looking at four options. Glencairn is one.

**Mr. Cunningham:** Yorkdale is one.

**Mr. Gilbert:** Yorkdale, yes; and there are two surface parking areas right now around the interchange. The idea is that the TTC will be making recommendations to Metro council, and Metro council will be coming back to us.

There were some legal obligations or problems, particularly with one of them. They are actively looking at some of the problems now and talking to our legal staff as well.

**Hon. Mr. Snow:** We have said we would subsidize the Glencairn station if they proceeded with its construction. There is some local opposition in the neighbourhood to the construction of that facility. From our studies if there are some large surface parking lots north of Highway 401, for people coming on 401 east or west, it would be much handier to just swing down the Allen Express-



way and into the garage, the way it was designed, and jump out of your car and into the subway station. That would really encourage people to use it.

**Mr. Philip:** It would probably encourage me to use it. If you can get someone like me with the kind of schedule I have out of his car, then you can probably get an awful lot of other people out as well.

**Mr. Gilbert:** A number of our staff at Downsview use the Wilson Avenue extension to come down.

**Mr. Philip:** I have nothing more on this vote. I do have one item that I believe the chairman said, even though it is not under this vote and quite rightly so, I might deal with if no other member has questions on any other item and if there is time left.

**Mr. Cunningham:** I have just one final concern on the subject of assistance to the municipalities. I have been looking at the amount of money being spent. It is a significant amount of the budget, 13 per cent by my calculation.

My comment is that it seems to be somewhat static, and in the context of the provincial commitment to municipal transit and to mass transit, it would be my hope that in the future a little more assistance could be provided here.

We have talked about some assistance in the Ottawa area, and I have just raised a matter that relates to Toronto. In my own constituency—and I'm not being parochial—there are some significant deficits associated with the Hamilton Street Railway Company operation and the Canada Coach Lines Limited system. I know that various municipalities, including the one I live in, the township of Flamborough, have been in touch with you to request and petition for greater assistance.

**Hon. Mr. Snow:** I just got that letter today, as a matter of fact. It was in my mail this morning.

**Mr. Cunningham:** I will be sending you one as well, if it hasn't gone out already. I would respectfully request that you take a long look at this. These small bus lines, while they do not necessarily respect the legal structures as defined by our regional bill, do provide a very good and solid service between communities.

I know that a lot of people in Guelph, for instance, and up and down that highway, rely on Canada Coach Lines. The Hamilton Street Railway runs into Burlington, and that is one of the best ways, apart from the GO system, to get in and out of the east end of Hamilton.

**Hon. Mr. Snow:** On the Burlington situation, Mr. Cunningham, the Toronto Area Transit Operating Authority, my ministry and the Hamilton Street Railway just completed a rationalization study of all the routes running from Burlington into Hamilton.

As I recall from the presentation I saw, better utilization is being made of Canada Coach Lines. What they will be doing is operating some of those lines under contract for GO so they will be truly commuter lines.

**Mr. Cunningham:** It is an expensive matter. Politically, it is not all that appealing. Sometimes, when you talk to people who are primarily car drivers, they say, "What do I care about that?" With the price of an automobile now rapidly approaching \$8,000, \$9,000 or \$10,000, and gasoline prices increasing significantly, you are going to see a lot of people relying more and more on municipal transit. Whatever assistance you can provide, not just to my municipality, or the township of Flamborough, but to others, would be helpful.

They are not going to be into subway construction. They are not going to be into worrying about park-and-ride facilities, necessarily, which are good in large urban areas, like Metro. But their needs are significant nevertheless. Anything that can be done—

**Hon. Mr. Snow:** If you notice the percentages, if you've been comparing the different votes, you will see that the increase between 1979-80 and 1980-81 in the municipal transit field is considerably larger than that in any other section of the ministry.

**Mr. Cunningham:** I compared your 1978-79 statistics. You budgeted for almost \$163 million, and you spent \$138.5 million. It did go up in 1979-80, and it was static between 1979-80 and 1980-81. My point is that while we're discussing this on a nice, bright day—

**Hon. Mr. Snow:** Those are basically capital allocations that weren't used, the slower than normal progress in the TTC subway construction and things of that nature.

**Mr. Cunningham:** I understand that.

**Mr. Gilbert:** Spadina was finished and Scarborough not started. The same with the Ottawa construction we were talking about. The capital can go up and down. But as the minister says, operating expenses—on page 70 of your book—went from \$64,181,000, including the other demonstration projects et cetera, in 1979-80, to \$78 million. There is a \$13,885,000 increase in this year. But as far as the capital is concerned, when you lump the two together, recognizing the



cash flow, that's why there are lumps up and down there.

12:20 p.m.

**Mr. Cunningham:** I think I've made my point. I would like you to realize my feeling that we are going to see a greater reliance on municipal transit, regardless of whether it's a bus line running in Flamborough or the Toronto Transit Commission. The sooner we realize that, the better off we will be.

**Hon. Mr. Snow:** We have adjusted our formula slightly for the 1980-81 year on the operations side. It gives the municipalities a little better deal on operating subsidies. They still have the revenue-cost ratio targets, but there is a provision for those that are not meeting the targets that a further section gets a little higher rate of subsidy. This has been very well received by the municipal operations.

**Mr. Chairman:** Is there any more discussion on this vote?

**Mr. Philip:** I just had two items that are not on this vote.

I want to ask the minister a question in the light of last night's referendum, which I'm sure we all were at least somewhat relieved by. Now that it appears, at least for the time being, that they are going to stay as part of the Canadian federation, has the minister had any interaction with the Trudeau government in terms of keeping Mr. Trudeau's original 1971 promise of improved rail service between Toronto and Montreal? He has made the promise twice, in two different elections, and so far we still have no visual signs of improvement on the Toronto-Kingston-Montreal route.

We were talking about the noise from the DC-8s flying over our heads. A lot of that noise could be eliminated if we had a decent rail system, where you could actually read a book between here and Kingston, or between here and Montreal, and not feel as though you were on one of the Canadian National Exhibition rides.

I'm wondering, in the light of this new spirit of confederation and interaction between Quebec and Ontario, if the minister will be pursuing this with the Prime Minister, to keep some of the promises he was elected on in two elections.

**Hon. Mr. Snow:** I don't normally have discussions with the Prime Minister of Canada.

**Mr. Philip:** No, but I know you have discussions with the Minister of Transport.

**Hon. Mr. Snow:** I certainly do have discussions with the Minister of Transport. We

have been continually pushing for the up grading of the corridor between Quebec City and Windsor, which we feel is one rail corridor that can be improved and on which the ridership can be increased.

I don't know exactly the status of the new trains. The federal government went through a very long and tedious procedure three to five years ago, in calling for proposals for the manufacture of some new train sets which I understood were to be used on the Toronto-Montreal run. This is the new LRC, or light rapid comfortable, transit.

The contract was awarded to Bombardier for the construction of 10 train sets. We haven't had an update lately as to when the manufacture of those sets at this moment, or when we're liable to see those new trains delivered.

Other than the new GO rail equipment that we have bought over the past number of years, there has been little or no new rail equipment manufactured or put into the system. As we know, Via is operating with a new coat of paint on a lot of cars that are 30 and 40 years old now.

**Mr. Philip:** My understanding, though, about the state of the technology is that the problem is not with the trains per se—it may be very gimmicky for the Prime Minister and look good for him to get a new space-age train—but the real problem, as I understand from the experience in Europe and so forth, is with the roadbed.

**Hon. Mr. Snow:** The bed, the track and the signals.

**Mr. Philip:** The federal government has made some improvements between Quebec City and Montreal but has never kept its promise to improve the roadbed between Montreal and Windsor. I gather we have equipment that can do 100 miles an hour already, but we cannot do it without having everybody dead in the process. Until we can get some funds into those roadbeds, we are only talking about buying or building space-age technology. I believe we had a discussion about this, if I am not mistaken, a couple of years ago when we were visiting the UTDC site in Kingston. The opinion of your technologists down there was that you can develop the best trains in the world but if you can only drive them at 60 miles an hour because of the roadbed then you are still going to have an obsolete system.

**Hon. Mr. Snow:** There needs to be, to upgrade that system, a great deal of money spent on the new ribbon rail, the continuous rail, to get away from the clackety-clackety, clack all the time. There are some places

where they are rebuilding and putting in the new concrete ties and new ribbon rail. The signalling systems and control systems are very expensive. That's what is costing us so much money with the GO train improvements we are doing here. To get the quality of ride we are having to replace the rail.

The old switching and signal systems that the railways are using are all roughly 50 years old. Signal equipment is very difficult to get. It is a long delivery. I think it is about a two-year delivery date from the time we ordered the new signal equipment and so on, say for the Streetsville-Milton GO line, until it will be delivered. They are laying rail out there on the Streetsville-Milton line right now, changing from the old rail to the new ribbon rail. The CN laid new rail on the Lakeshore line a couple of years ago out through our area.

But to get a roadbed that would be capable of giving a comfortable ride with these faster trains would be one major expenditure that would have to be done. Also, when you start running trains at 100 or 125 miles an hour, the need for grade separation becomes paramount. I did see some figures at one time—the amount of money that would be required on the Toronto-Montreal run. There's still a lot to go through; there are a lot of level crossings. If we double the speed of trains, the danger is tremendous. So you have to have grade separation.

**Mr. Philip:** One advantage you people do have that you did not have six months ago is that it is of no concern to you about whether you embarrass the present federal government into keeping its promises.

**Hon. Mr. Snow:** It is pretty hard to embarrass them.

**Mr. Philip:** Perhaps you should have a higher profile on that in telling the federal Minister of Transport that he should be coming forward with plans in keeping with the Prime Minister's promises.

**Hon. Mr. Snow:** We have told him that any times.

**Mr. Philip:** So have we, but unfortunately we don't seem to be listened to.

**Hon. Mr. Snow:** I will keep at it and I will keep trying.

**Mr. Gilbert:** As a matter of interest, apparently the LRC is about a year behind, according to Mr. MacEachen.

**Mr. Philip:** We work with anybody who will do something for the people. We are very upset when we have a Prime Minister

who constantly makes promises and never keeps them. We hope his latest promise of coming up with some kind of more flexible constitution will not be one that will also be broken. We won't have to worry about the rail system then because we may have a border crossing.

12:30 p.m.

The other item I want to talk about is the problem of publicizing the mail renewal route for renewing car registrations. I recognize that around the time when registrations are due you have sent out information to broadcasters and you were quoted on radio stations, including by Bob Hesketh, about the fact. It also says in the driver's handbook you can renew by mail. However, all this doesn't seem to have very much effect, because I gather that 0.2 per cent are renewed by mail. There are a lot of hidden costs in that when you think of the number of man-hours lost by people standing in line freezing their throats at the 300 or so local issuing agencies.

When you think of the inconvenience and so forth, it seems only reasonable to step up the program of letting the public know the process by which it can renew. I am wondering if there has been any problem with this. Are you afraid of not having the staff to handle a large onslaught? Is there any new program you can suggest through your ministry of advertising through television and the press or even taking out ads at the time advising people that the mail renewal process is available to them and getting them to renew by mail rather than going down to the line-up?

**Hon. Mr. Snow:** We try every year to send out press releases and so on. We haven't gone into any expensive media advertising campaign. One of the problems is that people tend to leave it until the last minute. Once they have gone by about February 1, if there was a large number using the mail system we would have to gear up perhaps with additional temporary staff for that period to try to get the turnaround at this end.

It is not unusual to take at least a week to get a letter in and a week to get it out. I sent a letter from my office to a constituent of mine in Oakville a month or so ago on a Monday. The following Monday the person phoned and wanted to know where the letter was. I said: "My God, you must have it. It went out of here on Monday." He got it the following Monday. It took 14 days for a first-class, perfectly addressed letter with postal code and everything complete. People would

have to mail by February 1 or thereabouts if they wanted to be assured of getting their licence back.

If they go to the local office by February 1, there isn't going to be a line-up either. They could walk in and out with their licence in a matter of five minutes. That is part of the problem. The service is available and we don't try to hide it. We try to make it known. The answer is, we are going to change the whole system over—and you were here when we discussed this a while ago—to issuing the licences for all automobiles and small trucks up to pickup trucks of 2,400 kilograms or something like that, on a rotation basis and divide all that group of vehicles up into 12 groups either by computer or otherwise.

People will get a licence when we sell the last group of licences through at the one period. They will either have to buy a licence for six months to 18 months or something in that neighbourhood. Depending on which group they are in, they will get a six-month licence, or they could get one for as long as 18 months. That is going to be a little bit of a financial hardship, but we will try to do it the best we can to get the people on to the cycle. Then after that it will come up on a monthly basis.

**Mr. Philip:** You are talking about two years from now.

**Hon. Mr. Snow:** We are talking about two years from now when we go to the plate-to-owner system. Then that will all be done at the one time. There is a lot of computer work, and a lot of consulting work involved. When we have five million vehicles to change over like that, we don't want a foul-up and to have everybody's registrations screwed up in some way or another. We are being very careful in planning the thing, and we will implement it about two years from now.

**Mr. Chairman:** Mr. Eakins has one question he would like to ask.

**Mr. Eakins:** I am sorry I came in late. I have a closing comment on a matter I have been involved with in the last day or two, namely, the great backlog at the driver examination centres. It seems to me that in some areas they are booked up into July and perhaps even into August. I am wondering if there is some way of giving greater assistance to the driver examination centers. I have occasion to be in touch with the centres, and I want to compliment particularly your staff. It is not their fault. They are working at full tilt.

Today I was in contact with your district manager, Mr. Keen, in Scarborough. He has

been able to resolve 100 per cent a particular problem that was an emergency. I don't know whether you have cut down on the amount of summertime assistance in general.

**Hon. Mr. Snow:** We haven't cut down our staff. We have complement restraints. We haven't been able to increase the number of examiners and this time of year tends to be a peak period. We do hire part-time people. We move around and transfer staff. If one office has a much larger backlog than another we will reassign some people within reasonable distances. Then we hire quite often during the summer months a number of school teachers.

**Mr. Eakins:** Is your complement the same for this summer as the previous summer, or have you cut back this summer?

**Hon. Mr. Snow:** There is no cutback. I can assure you of that; probably some increase.

**Mr. Eakins:** I am thinking particularly of the people in businesses. For instance, there was a gentleman who needed tow truck drivers.

**Hon. Mr. Snow:** That is one of the problems. We will give priority to someone who needs an examination to upgrade a licence for employment or something like that, if it makes that known. I have had such people come to my constituency office. They have a job to go to on Monday morning but they can get their licence upgraded or whatever they have to do, but they haven't told the office there is a job involved. They just go up there and get the appointment in the normal way. If they will let our people know that it is an employment situation, then we will try to do everything possible.

**Mr. Eakins:** I agree with you. Perhaps also whoever is doing the booking might ask to see if it is an emergency.

**Hon. Mr. Snow:** If you ask that, everybody will be in an emergency.

**Mr. Eakins:** I think you can sort them out.

**Hon. Mr. Snow:** We do put on extra staff in the summertime, temporary people during the summer periods. A number of school teachers who have taught driver education for instance, at high school and know the whole thing are able to come in and be good examiners for us to deal with the peak load.

**Mr. Gilbert:** Another problem we have is the number of people who repeat. They come in and fail and immediately book another test. Going over some of the records, I see where people have been back 10 and 12 times



for a licence, and that is what really fouls up our staff, but as far as turning them down is concerned, we attempt to accommodate them.

**Mr. Philip:** It just shows that if you try often enough, you are eventually going to win something.

Vote 2608 agreed to.

**Mr. Chairman:** That completes the estimates of the Ministry of Transportation and Communications.

**Hon. Mr. Snow:** Thank you, Mr. Chairman.

**Mr. Chairman:** I understand that this committee will meet tomorrow night on the Workmen's Compensation Board report.

The committee adjourned at 12:39 p.m.

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**From the Ministry of Transportation and Communications:**

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Hobbs, D. G., Executive Director, Communications Division

Kidman, L. R., Manager, Transit Office, Municipal/Provincial Transportation Branch

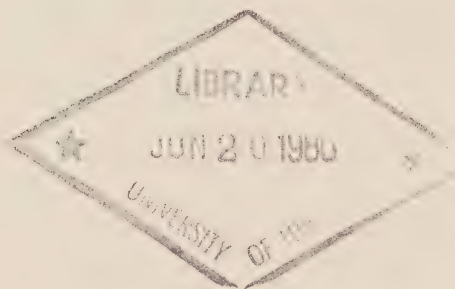


No. R-18

# Legislature of Ontario Debates

## Official Report (Hansard)

**Standing Committee on Resources Development**  
Annual Report, 1978, Workmen's Compensation Board



**Fourth Session, 31st Parliament**

Thursday, May 22, 1980

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC



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# LEGISLATURE OF ONTARIO

## STANDING COMMITTEE ON RESOURCES DEVELOPMENT

THURSDAY, MAY 22, 1980

The committee met at 8:09 p.m. in committee room No. 1.

### ANNUAL REPORT, 1978, WORKMEN'S COMPENSATION BOARD

**Mr. Chairman:** The meeting will come to order. I would ask the Minister of Labour if he would like to make an opening statement, or introduce some of his officials.

**Hon. Mr. Elgie:** Mr. Chairman, I don't have an opening statement. I'm privileged to have with me tonight the elder statesman of the ministry, Deputy Minister of Labour Timothy Armstrong.

**Mr. Sargent:** That's the best speech you ever made.

**Hon. Mr. Elgie:** I wasn't referring to you, Eddie. You're not a senior statesman; you're a grandfather.

**Hon. Mr. Starr:** I would like to report on the Workmen's Compensation Board's activities for the year 1979. I wonder if we can have copies handed around.

**Hon. Mr. Elgie:** Give 10 to Mr. Martel, put them on his head and give one each to the rest.

**Mr. Van Horne:** Mr. Chairman, while this is taking place, I see this as an open-ended statement, but officially we are here to look at and review the 1978 annual report of the Workmen's Compensation Board. Is that not correct?

**Hon. Mr. Elgie:** That is correct.

**Mr. Van Horne:** Yet if I understood the chairman correctly, we are going to take a look at the activities of 1979, or was that a p?

**Hon. Mr. Starr:** Yes. You do have the annual report. We also have the supplementary that annual report in the question-and-answer situation I would like the committee to live.

**Mr. Van Horne:** In other words, we're dealing with the 1978 report and having questions and answers on 1979.

**Hon. Mr. Starr:** The financial report is for 1978-79, whereas our report is on the activities of 1979.

**Mr. Van Horne:** I keep having problems with language around this crazy place. If I keep hammering away at the theme of straightening out the language, some day I might make a point.

**Mr. M. Davidson:** Mr. Chairman, is it not fair to suggest that even though we are dealing with the 1978 report, in past practice we've generally dealt not only with the 1978 report but with anything from that report up to and including the present time?

**Mr. Van Horne:** It should be on the Order Paper but it isn't.

**Hon. Mr. Starr:** I wonder if we can take it as a supplementary.

As is usually the case, our work load at the Workmen's Compensation Board increased last year. We processed some 460,972 claims, which was an increase of 36,363 claims compared with the year 1978. We made awards to claimants totalling \$388 million. Despite these large figures our board, like almost any large government or private agency, remains subject to some criticism. That is why I personally and my colleagues value forums like these to have the opportunity to both hear complaints and clarify misunderstandings about our work.

Towards this end, I trust you will find your copies of our supplementary report helpful. Our staff has reviewed questions raised in other years, both by this committee and in the Legislature, and we have responded to them in this document. We hope you will find it useful in developing your analysis of the board. Last year, 1979, was a year of positive initiative at the board. It was a year of intense self-examination, during which we carefully scrutinized our operations, looked for weak points and sought worthwhile solutions. It was also a year of renewed commitment on our part to consider criticisms levelled at the board and to seek real solutions to the problems that existed.

One of the most important moves we have made along these lines has been beginning the decentralization of our claims adjudication services. Decentralization of claims adjudication is now being implemented on a trial basis in London and Sudbury. Decentralization developed as a result of a number of board reports to find ways to make the claims process even more responsive to our clients across the province. I must say it has been brought to our attention and advocated here in this committee by various members whenever we appeared.

It was decided that claims could be evaluated and processed more effectively by decentralizing. Inquiries by a claimant would be dealt with in person by the adjudicator handling a decision. Decentralization should help to lay to rest any thoughts of the board as a faceless bureaucracy operating from a Toronto head office. Our pilot projects in claims decentralization should be in full gear by November of this year.

There have been many other examples of positive initiatives being taken by the board in 1979. For example, we have now established an ethnic relations section in our communications division. Through this section we seek to forge stronger ties with Ontario's workers in many ways, including communicating with them in their first language. The ethnic relations section is based in Toronto and the bulk of its work is directed towards serving the Italian community. Section staff have made extensive use of multicultural media to reach this community. In addition, an Italian-language newsletter is produced regularly by this section to inform Italian workers of the latest developments at the board and to explain existing regulations. The response to this section has been extremely positive.

We also opened a major information centre for workers in Toronto's west end to provide easy information access for this community in its own neighbourhood. Staff at the office speak four languages and in a short time have already established themselves as an integral and respected part of Toronto's west end community.

Another area of positive initiative within the board has been in the vocational rehabilitation division's placement of rehabilitated injured workers. Quite simply, the vocational rehabilitation division has had a banner year in placing rehabilitated injured workers.

Back in 1978, our staff was proud to have found 1,425 job openings for rehabilitated workers and to have placed 418 in new

jobs. Last year we topped even our most optimistic projections by finding 2,868 job openings and placing 859 rehabilitated workers.

We think one of the main reasons for this increase in placements has been the implementation of what we call rehabilitation blitzes. In these blitzes we send a team of rehabilitation specialists to supplement an area office's staff and conduct an intensive information campaign in various communities around the province. These campaigns are designed to increase employer awareness of the benefits of hiring rehabilitated injured workers. This program took our staff to Sudbury, London, Kitchener and Ottawa for highly successful one-week information blitzes. We don't argue with success and we intend to expand this program in 1980. Our staff has already blitzed Hamilton and Windsor and plans to visit other Ontario centres in the near future; for example, Oshawa and Durham region on May 26 and St. Catharines on June 9.

Our staff has also been taking positive initiatives in the prevention and treatment of injuries and disease. Twenty-five per cent of all injuries compensated by the board involve a worker's back. We decided to do something about these injuries before they happen, so we set out to develop an intensive awareness campaign to reduce back injuries. This program was fully developed during 1979 with the creation of a series of booklets, slides and films designed to help reduce back injuries.

Many back injuries are the result of a person's long-term attitude towards his back, and not just an isolated event. These attitudes are reflected in the home and in the work place. To combat this, our back program is oriented towards improving back attitudes at home and at work. The program is now being presented in industry, where the reception has been even better than we anticipated. In addition, patients at the board's hospital and rehabilitation centre continued to receive back education, as they had in 1978.

Our hospital continued to be an area of major research work in 1979. Studies of the techniques used in the reattachment of amputated limbs and the attachment of artificial limbs were carried out and produced extremely useful results.

8:20 p.m.

Our staff is also in the midst of a major study of the use of biofeedback to reduce pain. There remains a lot of work to be done in the area of pain reduction and I



think the hospital staff will help lead the way in this area. Our centre continues to be one of the most respected of its kind in the world, as indicated by the many international visitors who toured the centre in 1979.

Industrial disease guidelines for Alpha I Antitrypsin deficiency, leading to pulmonary emphysema and for certain cases of chronic obstructive lung disease in smelter workers, were established last year by our medical division in conjunction with the claims services division. Continuing to be among the world leaders in recognizing industrial disease, the board became the first in the world to compensate for lung cancer among foundry workers. So far, compensation is being granted for lung cancer among workers at the Dofasco foundry in Hamilton. But the board is now conducting a study of 10 Ontario foundries to determine if the cancer-causing agents that existed at the Dofasco plant were unique to Dofasco or are an industry-wide phenomenon.

If the cancer-causing agents prove to be common to other foundries, guidelines will be prepared for the disease, covering workers throughout Ontario's foundries.

Medical and compensation officials around the world are anxiously awaiting the results of this study which, by the way, is being conducted with the full co-operation of management and the unions.

These are just some of the many instances of positive initiatives taken by the board during the past year. Board activities in 1979 are detailed at greater length in the highlights sections in the supplementary report which was distributed to you this evening. Quite possibly, you will agree with me that it has been an impressive year of accomplishment at the board in maintaining and improving our high levels of service to the people of Ontario. If the members of this committee have any suggestions about any aspect of the board, I am sure my colleagues and I would be very glad to answer them.

**Mr. M. Davidson:** Mr. Chairman, prior to the leadoff remarks of party critics, I would like to move a procedural motion.

**Mr. Chairman:** Mr. M. Davidson moves that the topics to be dealt with under the report of the Workmen's Compensation Board be carried out in the same manner that the committee would go through in dealing with normal estimates, and that the committee deals with them in the following order: main administration, claims, applications, review, appeals, rehabilitation, medical, vocational, benefits, payment levels, pensions and investments.

Motion agreed to.

**Mr. M. Davidson:** I have one further procedural motion.

**Mr. Chairman:** Mr. M. Davidson moves that two and a half hours of these hearings be set aside and that the committee be allowed to call witnesses other than people from the Workmen's Compensation Board, witnesses who, in fact, work with and on behalf of injured workers throughout the entire year.

**Mr. W. Newman:** May I ask a question on that, Mr. Chairman? You are asking for two and a half hours of one particular sitting to call injured workers, or whatever it may be, and that is it. Is that what you are asking for? Was that mutually agreed to before?

**Mr. M. Davidson:** No.

**Mr. W. Newman:** Okay, fine.

**Mr. Yakabuski:** What do you mean by mutual agreement?

**Mr. W. Newman:** I believe the House leaders together decided through a motion in the House to split this committee to deal with the Workmen's Compensation Board and other matters. I would assume that all those matters would be sorted out at that time. Now you are asking for a further extension of two and a half hours on the WCB to call independent witnesses. Is that correct? I am asking your House leader if that is the case.

**Mr. Martel:** We are talking about two and a half hours.

**Mr. M. Davidson:** I would prefer you ask the critic, and I happen to be the critic. That is not the intent. We are entitled to 15 hours that had been worked out among the House leaders. The motion says that two and a half of those hours be set aside in order to hear other persons who have worked with and on behalf of injured workers.

**Mr. Lane:** Mr. Chairman, I only hear a motion; I don't see any.

**Mr. M. Davidson:** There is a motion.

**Mr. Lane:** I've heard it. Where is it?

**Mr. M. Davidson:** It is the one that is underlined on the right-hand side of the page.

**Mr. W. Newman:** Mr. Chairman, on a point of order: I don't want to be disrespectful to the critic. The NDP is quite entitled to whatever it wants to do. I was just asking a question of their House leader. I wasn't trying to be disrespectful to the critic or anybody else.

**Mr. M. Davidson:** My understanding is that committees are entitled to set their own order of business.

**Mr. W. Newman:** That is quite right.

**Mr. M. Davidson:** I am simply moving an order of business.

**Mr. Kennedy:** Mr. Chairman, could you clarify that there are 15 hours in total and the final two and a half hours of the 15 are to be set aside for this category, injured workers, to appear?

**Mr. M. Davidson:** People who have worked for and on behalf of injured workers.

**Mr. Chairman:** It doesn't necessarily have to be the last two and a half hours, but two and a half hours within the 15 hours whenever the committee agrees to hear them.

**Mr. Kennedy:** That is important, because to have two and a half hours set aside for presentations, I presume, from witnesses or persons who wish to appear, we would want to have time for questioning, rebuttal and further information. Do you intend that within that two and a half hours there would be opportunity for a response from the board or the minister or discussion among members of this committee?

**Mr. M. Davidson:** Yes.

**Mr. Kennedy:** So it is a total of two and a half hours for persons to appear and discuss whatever they think before us.

**Mr. Van Horne:** It could be helpful if the New Democrats tell us what the House leaders agreed to.

**Mr. Martel:** We agreed to set aside 15 hours. We agreed to do the first five in the general estimates of the resources development committee. Thereupon it would go to a subcommittee where the same people who had voting rights here would have voting rights in the subcommittee. The subcommittee would report back to the main committee at the end of its deliberations. That was the only agreement.

**Mr. Van Horne:** There is no need to discuss that, if it is understood by the House leaders, but it is very obvious the committee members wouldn't understand that. Did the committee members understand that?

**Mr. M. Davidson:** It is the fault of your House leader if you didn't understand that.

**Mr. W. Newman:** On a point of order, Mr. Chairman: Why is the critic now saying it is our fault if we didn't know?

**Mr. M. Davidson:** Our House leader advises us as to what he is doing.

**Mr. W. Newman:** So does ours.

**Mr. Kennedy:** I would like to know who those persons are who will appear? Are they a selected group or are they to be decided on? I happen to know one or two who would like to come up here if there are two and a half hours in effect open for public input. How are they to be selected and how much time will each get?

**Mr. Van Horne:** Mr. Chairman, I understand I have the floor. You didn't acknowledge anyone else. I would like to finish my statement. My point to you and to the members present is that our House leader did pass on to me the understanding that the 15 hours would be broken into two sections. There would be two sections of two and a half hours each, at which time all members would be present. The remaining 10 hours would be dealt with as a subcommittee session to allow other estimates to carry on.

That was the only understanding, and no comment was made about people coming in as witnesses. I would submit to you this is a brand new topic that we haven't caucused on.

**Mr. Chairman:** This is the first information I have had of it too. I understand that we would have a full committee for the first two sessions. After that, a subcommittee of these members would sit in conjunction when we are on estimates.

8:30 p.m.

**Mr. Kennedy:** What are they?

**Mr. Chairman:** They have 10 hours to work on them. I think perhaps this could go on for quite a discussion.

**Mr. Lane:** Mr. Chairman, I agree with Mr. Van Horne. I understood what he understood. But to have people come before this committee for two and a half hours would only scratch the surface. Think of the people who would want to come if they knew the opportunity was there. Personally, we have never done this. I can't see what it is going to accomplish. I think it is unfair for certain people to know this and be able to come before the committee and other people not to be aware of it. I just can't support it.

**Mr. M. Davidson:** I call the question.

**Mr. W. Newman:** That is not debatable.

**Mr. M. Davidson:** That is right. I just called the question.

**Mr. W. Newman:** If you called the question, there is no debate on it. I want to hear a debate on it.

**Mr. Chairman:** I'm not asking for a debate on it; I just want to get views. After all, I'm not making the decisions for the committee.

**Mr. W. Newman:** There is no choice, Mr. Chairman. That's what you've got.

**Mr. Yakabuski:** Mr. Chairman, a certain amount of discussion is going to result from that motion. In fairness to all three parties, may I say that this two and a half hours cannot be today or Monday or anything like that. I think it has to be probably at least a week from now, because I'm sure the Liberal Party has people it wants to bring, and the Progressive Conservative Party has people it wishes to bring. The date has to be set when these people will be heard and it has to be set far enough ahead so that all three parties can notify their witnesses and have them here at that particular time.

**Mr. Haggerty:** With equal time for each member?

**Mr. Yakabuski:** That is right.

**Mr. Van Horne:** I was just saying to my colleague that I cannot support the motion of the New Democrats. However, I want the opportunity to say why and to suggest an alternative. The reason I can't support this is twofold. In the same vein that Mr. Martel indicated there was some agreement with the House leaders, this would be in addition to that. I simply can't go along with it.

Secondly, the members need these 15 hours as an opportunity or a channel to bring to the chairman of the Workmen's Compensation Board, the staff and the minister concerns they have. To take two and a half hours away from that limited 15-hour time would be a disservice to the members of the House.

The alternative I would suggest is that the hours set aside for the Labour estimates—I believe there are 22 hours—are really more than we need in my view. I offered this suggestion to our House leader back when the hours were being laid out. I would gladly see time taken away from that to allow witnesses to be called to deal with whatever they want to present on workmen's compensation matters.

**Mr. Martel:** First of all, the House leaders only set aside the time. They don't determine how the committee will function or who it will call. That is left entirely up to the committee. If the committee sees fit to reject it, that is fine. If it sees fit to agree to it, that is fine too. The House leaders do not get involved. With respect to the second point, we're certainly not prepared to take any time from the Minister of Labour's estimates. We give them so dearly we want them before us, along with Timothy Armstrong, so that we can talk to him.

**Hon. Mr. Elgie:** For how long?

**Mr. Martel:** For as long as possible.

**Hon. Mr. Elgie:** Mr. Chairman, may I just ask how we intend to notify the public that this two and a half hours is available so that those who wish to present their views about the board can be notified of it and can advise this committee of their desire to attend and give testimony?

**Mr. Kennedy:** Mr. Minister, how in the world are you going to settle two and a half hours for the numbers who would wish to appear?

Either vote on this—and I would certainly be opposed to it on the basis of the known ground rules that I understand—or declare the matter and let the House leaders, the sub-committee whoever wants to work out the timetable, so that there will at least be equal time and some process engaged in that will clarify the selective process of those who will be given the opportunity to appear and will have the time allocated in some fair way.

To me, this restriction based on certain selected persons really abridges the right to cover the total subject. I offer those two options with respect to the motion.

**Mr. M. Davidson:** Mr. Chairman, I once more move the question.

**Mr. Haggerty:** Mr. Chairman, I had my hand up here.

**Mr. Chairman:** But you were not looking this way.

**Mr. Haggerty:** I just wanted to add a few comments. I believe it was last year that the same motion was put forward, I think it was by Mr. Davison of the NDP. I objected to it then and I still object to it today. If this is the procedure that they want, then I think we should have a resolution or a motion presented to the committee perhaps 24 hours earlier, like anything else that should be done before any committee or the Legislature. The reason is I'm sure I could muster a number of persons who have been injured at work and are under workmen's compensation at the present time. I could muster a number of unions within the Niagara region to come in.

If you want to move in this direction, I don't know how you are going to share the time in two and a half hours. If you take 125 members, I don't think there would be anything gained by it. I suggest that we've lost 35 or perhaps 40 minutes on this motion before us now. We could have been dealing with the matter of the workmen's compensation. To me it's just a filibuster, if I might put it that way. It's just stalling for time here, and I think we've got other important



things to do to get on with the business of the report of the Workmen's Compensation Board.

**Mr. M. Davidson:** On a point of order: I've moved the question twice and you gentlemen have not seen fit to accept that.

**Mr. Chairman:** This is the last speaker I'm going to hear, then I'm going to put it to a vote.

**Mr. W. Newman:** On a point of order, Mr. Chairman: The NDP critic asked the question, which is a form of closure, and I think in all honesty, in all fairness, if we're going to follow the House rules here you've got to put the question.

**Mr. Chairman:** You're the last one to speak, Mr. Di Santo.

**Mr. Di Santo:** It's quite obvious that both the Liberals and the Conservatives are afraid of the people who are working every day—that's what it is; it's quite obvious, Mr. Chairman—they're afraid of the people who represent workers daily before the Workmen's Compensation Board.

The motion says we will set aside two and a half hours, and as I understand it that doesn't detract from the agreement made by the House leaders. I find the suggestion of the Liberal critic rather peculiar. He isn't ready to accept that we set aside two hours now, but is willing to suggest that we set aside two and a half hours during the estimates of the Ministry of Labour.

Why is it that we don't want the people who spend their time going before the board, who are experienced, who know what the problems are, coming before us and sharing with the committee what their concerns are, which may be helpful both to the Workmen's Compensation Board and perhaps, even though I'm doubtful, to the Conservative and the Liberal members?

**Mr. Kennedy:** Your own member said he wanted to rub it in with the minister for 22 hours.

**Mr. Di Santo:** During the Labour estimates.

8:40 p.m.

**Mr. Chairman:** I can see we are not getting anywhere here. You heard the motion; all those in favour of Mr. Davidson's motion? Four. All those against?

Motion negatived.

**Mr. Van Horne:** While my New Democratic friends are consoling each other I will make a few comments here. I would point out, Mr. Starr, that last year you beat me by a few pages. This year I beat you by a

couple of pages. I see that your spacing is slightly different from mine, so it will work out to more than a couple.

I wish to respond to Mr. Starr's remarks on a topic-by-topic basis as we proceed through the remaining hours of debate, rather than attempt any instant critical summary at this time.

Before I make any further comments I want to wish Mr. Starr every success and happiness in his new endeavours when he leaves the chair. I also want to thank him for being very forthright with me personally in any dealings we have had. Also I thank him for his efforts on behalf of injured workers in the province. I thank him on behalf of management too—I say that because the minister has not said it yet, but I am sure he will at an appropriate time—and also on behalf of other members of this parliament for the help you have provided to them.

I wish to identify topics to which my colleagues and I will be addressing the main thrust of our comments. These are as follows: the Weiler appointment and terms of reference; second, positive action for women; third, the chairmanship of the board, and the nature and responsibilities of the board; the appeal process; compensation or entitlement; rehabilitation and sheltered workshops; assessments; and public information on Workmen's Compensation Board.

I have one copy of this for the chair and the ministry if they want to look at it.

Let me deal first with the Weiler appointment. I think it is fair to say there have been a significant number of studies done on the Workmen's Compensation Board in the past decade. Last year, when we opened a similar debate, I raised the matter of one of the 1973 task force recommendations that there be a stronger link between the WC and government. Mr. Starr and Dr. Elgi both replied at that time saying this was happening.

I see on page seven of your 1978 report that the corporate board developed recommendations for changes in the Workmen's Compensation Act to provide increases in benefits paid to injured workers and their dependants. If this process was still in effect when similar recommendations were made in December 1979 for increases in benefit one has to ask how some of these recommendations could be so low. Perhaps the closer link between the board and government is providing a disservice to the injured worker.

I want to stay on the theme of WC studies and the Weiler appointment before

I get into the topic of adequate benefits. Let me elaborate on this appointment. I am not critical of Mr. Weiler's qualifications or of him personally—as a matter of fact I had the pleasure of meeting him within the last month or so—nor am I critical of the terms of reference listed in the fourth paragraph of the minister's press release on February 11, 1980. I am critical of what is reported—and I reiterate reported—to be the way in which Mr. Weiler will proceed with his "full-scale study."

It would appear that full-scale means no public hearings. Full-scale seems to mean informal, possibly private, conversations between Mr. Weiler and whomever he chooses to speak to. If this happens it is, in my view, wrong. It would be just one more meaningless study in an already long list of studies on the Workmen's Compensation Board that now clogs the shelves of ministry offices.

In positive action for women, I find the reference to women in the 1978 report too brief, too general, too tokenish, to be able to make any significant comments on it. Women in the work place are increasing in numbers. Their jobs are not always those in which one finds low-incident injury. I would ask the chairman or his staff to elaborate on the four objectives on "Positive Action for Women" listed on page 22.

I may be getting a shade off topic here, but I feel strongly about some of these points. The chairmanship of the board is the longest section I have to address myself to. My comments on this topic, as on most of the topics, are a crystallization of the themes in the studies of the past, the government December 1979 white paper with the grey cover, and also of comments I have had made to me by some government and workmen's compensation staff members who shall remain nameless at this time.

It would seem that the chairman of the VCB must wear a series of hats. It is true he has a board of commissioners to back him up, but in the final answer it is the chairman of this vast and complex organization who must do some of the following things. He must be the chief executive officer in a corporation with future accumulated liabilities of \$1.73 billion and current liabilities of \$30 million, administer an income of \$44 million to meet expenses of \$654 million, and be responsible for investments of over \$1 billion, to name only a few of the real responsibilities.

He is the chief administrator of an organization that costs approximately \$55 million a year just to operate. He is the chief

adjudicator of a claims system which in 1978 handled 424,000 separate cases and, as the chairman just read to us, 460,000 cases in 1979.

He is directly responsible for the operation of a hospital which in 1978 had 7,578 admissions with an average stay of 22 days each. He must be responsible for an appeal system on his own work and all of these other fields. Such appeals in 1978 totalled 4,101.

Section 62(1) of the act states that the chairman shall be the full-time chief executive officer of the board. The points listed above point out that he is not only a chief executive officer, but a very busy operating manager. Section 70 is evidence of this, giving the chairman the power to control meetings of the board.

Section 71 has this to say about the responsibility of the chairman: "In accordance with personnel policies approved from time to time by the board, the chairman, subject to the approval of the Lieutenant Governor in Council and subject to the provisions of the Crown Employees Collective Bargaining Act, 1972, may establish job classifications, personnel qualifications and salary ranges for consultants, actuaries, accountants, experts, officers and employees of the board and the chairman may appoint, promote and employ the same in conformity with the classifications, qualifications and salary range so approved."

Moreover, the makeup of the board itself is unique. I should have paused when I read that second last sentence to underline the various rather serious demands on the chairman in his capacity as both executive officer and a very busy operating manager. Persons who are appointed to the board by the government under section 55 are all appointed as commissioners. In addition to this, one commissioner is designated chairman, one vice-chairman of administration, one chairman of appeals and at least two and not more than four are to be called commissioners of appeal.

An analysis of the legislation shows that persons are appointed as commissioners. At the present time, there are 16 appointments as commissioners. Of these, only the vice-chairman of administration is not empowered to assist the vice-chairman of appeals in the performance of his duties.

I could go on quoting sections I have written out here, but I think it is sufficient to say at this point there is an anachronism here in that the act declares a group of seven persons to be the board and yet makes no

provision for a final application to that board, but only to a panel of commissioners.

The fact that all persons labelled as commissioners for the purposes of appeals or applications is one thing. To have a body of adjudicators charged with the final determination of such appeals or applications is in accordance with recognized rules of separation between judicial and administrative function. But to include in that body of adjudicators the persons who must by the very nature of their position act in the position of a member of an executive board charged with the formulation of policy is somewhat similar to the appointment of members of the executive council of the province to provincial courts so that they may pass judgement on the validity of rules and regulations which they themselves have helped to formulate. That is a serious anachronism or inconsistency.

8:50 p.m.

I don't quarrel with the corporate board and certainly not with the adjudicators. Let me go back to the corporate board. There should be the corporate board. It should be chaired by the head of the commission board and it should delineate policies and rules under which compensation law is administered. This is the way in which it is done in the labour law field. I don't think one sees the deputy minister sitting on the Ontario Labour Relations Board.

**Hon. Mr. Elgie:** What do you mean by you don't think?

**Mr. Van Horne:** That is just an aside.

**Hon. Mr. Elgie:** I see.

**Mr. Van Horne:** Similarly, it is done in this way in the field of municipal law. In these fields, separate adjudicatory bodies decide on disputes in accordance with the rules declared and promulgated by the administrators. One could say let there be a body, not a board of adjudicators, who because of their knowledge and ability are chosen to be the last line of appeal in the most contentious cases as long as the decisions are made by the rules.

Where it is contended that the rules are wrong or unjust or discriminatory—and such contention could come from a worker, an employer or from the adjudicators—then the subject matter could be placed before the corporate board for rectification. Should that not be forthcoming, then the original prerogative writs before the divisional court may always be sought. I do not mean by this last statement that there should be unlimited access to the courts. As a matter of

fact, I would just comment to the minister that there has been some correspondence between one of my constituents and one of his assistants on this matter of access to the courts.

Question of fact should always be left to the adjudicators who then apply the existing rules or, in other words, the law. It is only where the rules are considered basically wrong that such procedures should be used. The members of the board would still have plenty to do. Section 68(1) gives the board the power to make regulations. Section 70 gives the board wide administrative powers. In fact, it is seriously suggested that individual board members, as opposed to commissioners, as defined in the act, should become liaison officers between the operating departments and the board.

The vice-chairman of appeals would be the administrative liaison to the corporate board from the adjudicators. One board member would concern himself with claims administration, one with rehabilitation, one with medical matters, one with safety and one with finance. The departments would have a direct input to the corporate board and there would be more expertise on the board when policy decisions were being made.

Since administration is now controlled by the vice-chairman, with input from the management committee and the senior staff, the input to board discussions for individual members, who could become experts in their own field under the proposed changes, must necessarily be limited. In fact, the act should specify the limitation of the board to its administrative function with the single adjudicatory power of amendment to rules and regulations, or clarification of the same and power to direct a reconsideration along board guidelines to the adjudicator concerned.

A question arises as to the proper forum for hearings under section 15 of the act. This is the one section of that statute that takes the board out of the strict field of compensation in that the adjudication made refers to cases before the courts. It is being contended by many that by this section of the act the board is merely an adjunct of the court system. It should be the corporate board that makes the finding. Secondly, it can just as feasibly be argued that since the findings are one of fact they should be made by the appeal structure.

In conclusion, it would seem reasonable that the administrative functions of the board should be separate and distinct from the adjudicatory functions.



In so far as appeals are concerned, there should be a distinct separation between the administrative and quasi-judicial aspects of the compensation structure. If one looks at earlier figures in earlier reports, one can see the appeals form a very minute part of the work of the board; yet they are the part that appears in the public eye and is reported in the press. They are the part that most, if not all, members are very much aware of.

There are other cases that go to the injured workers' consultants and to the Ombudsman after we are finished with them.

Therefore, it becomes of paramount importance that everything handled at this level be done so by a group of people who are free from administrative duties and free from administrative control of the board. Today there are nine commissioners who have no administrative duties. These are appeals examiners engaged full-time on appeal work. The examiners sit individually and their decisions are appealable to the board as now constituted. A quorum of commissioners is a step above the examiners and most of the time what they hear is a repeat of the information gathered by the examiners.

The examiners are all senior employees of the board. The commissioners, with one exception, have not been employees of the board and, consequently, must take time, energy and patience to acquire the knowledge already second nature to the examiners. Between the two groups, we find a combination of knowledge of both compensation and personnel training and profession which go to make up an ideal body of adjudicators if they were intermingled and away from the employment control of the board.

The statute should be amended to redefine the administrative duties of the corporate commissioners and to create a new independent appeal tribunal. I repeat the last sentence from that last section. The statute should be amended to redefine the administrative duties of the corporate commission and create a new independent appeal tribunal.

Under the heading of compensation, my understanding is there is no statutory method of changing maximum coverage in Ontario. It depends on the whim of the Legislature and not by a predetermined formula published in the legislation. Minimum compensation must also be set by legislation and not by a predetermined published formula. At the present time, in all provinces except Quebec, the worker receives 75 per cent of his average wage up to the maximum. He does not receive continued coverage under

the Canada Pension Plan, and it does not matter if he is single or responsible for a family or dependants.

Quebec has instituted a scheme whereby payment is made on a basis of 90 per cent of net weighted income. Saskatchewan is studying this scheme, and papers are being prepared for the study of same in Ontario. New Brunswick has also announced it is switching to this type of payment.

The system is complicated but, briefly, it takes into account federal and provincial income tax, Canada Pension Plan and unemployment insurance. It also determines the injured worker's family situation in that it allows for a variation in accordance with the number of dependants. Tables prepared annually by consultant actuaries are used to assist claims officers in the calculation of amounts payable.

Saskatchewan has developed a new continuing system of compensable benefits which does not rely on the extent of a man's injury but rather on his ability or inability to fit himself back into the economy as a producing member of the same. So long as a man is totally disabled, he receives total benefits on a temporary scale. When he has recovered, or recovered sufficiently to go back to work, he would continue to receive such benefits while becoming relocated. He would be required to work with a job location staff at the rehabilitation division and, if retraining is required, with the retraining section. If work becomes available, he could also receive a difference in wage benefits so long as he is earning below those wages received at the time of injury.

The real difference in this system is when a disability becomes permanent. Awards are made on a lump sum basis, irrespective of income, with a maximum award being \$10,000. The reason, as I understand it, for the setting of that figure was strictly political. A man's injury is rated as it is today in Ontario and he receives a lump sum according to the percentage of physical impairment. In addition, each person is considered for an award for income maintenance.

9 p.m.

Many workers can return to their old or equivalent jobs and would receive no income maintenance. On the other hand, a man may be prevented from doing so by his physical disability, his lack of education, or his inability to become assimilated into the community due to ethnic background or some other factor, by his place of residence and the presence or absence of suitable alternative employment there or by his inability to move to more

suitable surroundings, bearing in mind his family responsibilities. In this case, he would be entitled to continued support up to 100 per cent compensation until such time as these additional factors have been rectified.

It has been calculated that no more than five to 10 per cent of permanently disabled workers would continue permanently on the income maintenance program in Saskatchewan, and that the total overall cost of such a program would be less than the present-day costs of paying pensions, irrespective again of the man's ability to get back into society.

It should also be noted that this same program is being brought into Quebec for silicosis cases, using a capital figure of \$30,000 rather than \$10,000—at least that is my understanding. I would ask the board chairman to correct me if I am wrong. This proposed scheme would go a long way towards satisfying many of the complaints about compensation, since such complaints arise more from the present inadequate legislation here in Ontario than from administrative handling of claims.

In the area of dependency, if the principle of maintenance of income is accepted, then payment to dependants on any other basis should not be condoned. A worker at the moment of death is 100 per cent disabled. In today's society it is not the individual worker with a varied group of dependants, but the family as a unit that must be considered. Present legislation requires that spouses and children must be dependent to qualify and, when qualified, for a specific sum of money. No inquiry is ever made by the board as to private assets or as to the income of a wife. In today's society and in the wage brackets most concerned, wives are bringing in additional income. Similarly, benefits from insurance and the Canada Pension Plan are types of income that has been paid for by the deceased and, therefore, should not form part of this so-called dependency entitlement.

Let the family receive what the worker would have received. As the number of dependants is reduced, let the tables of family responsibility be the rate at which the payments are reduced. A spouse ceases to be a dependant when she or he marries, dies or enters a common-law relationship, as described in the act. A child ceases to be a dependant when he or she reaches a certain age or leaves school. Until the last person leaves the state of dependency, that allowance should continue. If there are only children, then the section pertaining to guardianship can be dealt with in the same way.

A family will continue as a unit under this scheme and will not suffer the trauma that is forced on it in many cases today. By trauma, of course, I am referring to the drastic reduction of income that occurs under the present system.

Under the heading of sheltered workshops, in spite of the exciting work being done here at Florida Kitchen Cabinets, I believe not nearly enough is being done in Ontario to encourage the re-employment of injured workers. Of course this is very similar—and the minister and the chairman will realize this—to the statement made by our leader in March of this year. I believe this is only one aspect of a series of problems inherent in our present workmen's compensation system.

First of all, in the area of job placement, statistics show that for every 10 workers who have gone through rehabilitative training in Ontario, only about six are able to find suitable employment. There are many different reasons for this: disabilities which prevent the reapplication of previously utilized skills, geographical considerations, employer prejudices and so on. But I believe the Ontario government or the Workmen's Compensation Board itself has a duty to make the ultimate goal of rehabilitation, that is, employment, more attainable for all injured workers.

I would, therefore, urge that measures be taken to encourage companies to hire employees who have been injured on the job and who have been rehabilitated. One such measure could be to inform the public of the statistics for all large companies, comparing at each company the number of rehabilitated workers hired to the number of workers injured to the point of requiring rehabilitation.

Secondly, large firms refusing to hire a reasonable share of rehabilitated workers could be excluded from government contracts. Thirdly, education programs could be established to encourage the hiring of injured workers in smaller businesses. Finally, the government should encourage more sheltered or partially sheltered workshops to utilize the skills of severely disabled workers.

Before I leave the theme of rehabilitation, I would like to ask if it is at all possible for Mr. Pearce, the rehabilitation specialist of the vocational rehabilitation division, to appear before me during this debate. I have some real concerns over the special rehabilitation programs designed to remove employees from the hazards of diseases caused by asbestos and uranium. I specifically have



three cases that should be heard by this committee regarding this program.

In the area of assessment—and you will be glad to know, Mr. Chairman, that we are down to the last topic—many London firms, both large and small, have expressed a concern to me over the increase in their assessment, as compared on a ratio basis to their assessable payroll. One firm, for example, had its payroll increased six times over the last 15 years. At the same time, its assessment has increased 21 times over the same period.

These firms are not suggesting—nor am I—that the worker's right to be compensated for work-related injury be taken away or changed—far from it. What they are saying is why are the assessments increasing at a greater rate than the assessable payroll? What is workmen's compensation doing in the area of assisting employers and preventing abuses in the system if that is what is happening?

I said that was the last statement; but I am afraid I fibbed. It was the second last. In the area of public information, one cannot help but wonder at the cost of advertising, particularly that done on television in recent months, and ask if this was money well spent. We are all concerned that every dollar spent is precious, particularly in this time of restraint. I have to ask is television advertising necessary? How costly is it? Has the minister considered other ways of making workers aware of what their rights are?

In conclusion, let me say that I and my colleagues look forward to the debate through which, I hope, some direction will come for a better Workmen's Compensation Board.

Hon. Mr. Starr: Mr. Chairman, with your permission, I wonder if I can answer some of the questions that have been posed to us.

Mr. M. Davidson: Mr. Chairman, would it not be better to hear the two leadoff speakers?

Mr. Chairman: Normally that is what we do.

Mr. Martel: Mr. Chairman, let me say, as one who has always been supportive of the board over these many years, I welcome this opportunity to take part in this discussion.

Hon. Mr. Elgie: How about occasionally?

Mr. Martel: That would be stretching it. I might say I noted one thing in the chairman's opening remarks. He said decentralization developed as a result of a number of board reports. My God, I thought it was as

a result of the excellent report from my colleague the member for Nickel Belt (Mr. Laughren) when he toured the province.

Then I missed it, I apologize.

Hon. Mr. Starr: It wasn't in the opening statement, but I did it verbally.

Hon. Mr. Elgie: No one dislikes Mr. Laughren except my dog.

Mr. Martel: Bloody Tory dog.

Hon. Mr. Elgie: She is a good Tory dog.

Mr. Martel: Let me indicate that I want to take a somewhat different tack from my colleague. As you know, for the past number of years we have been greatly concerned by the long-term cases, the ones that go through the grindstone almost. About a year ago I was approached by Professor Ernie Taylor of the Laurentian University sociology department and was offered the services of a fourth-year student in sociology. She happens to be sitting here tonight, Ms. Gloria Bradford, the young lady in the first row.

9:10 p.m.

Professor Taylor wanted to put someone in my riding office. We came to the conclusion that if we were going to have someone from the university involved, we wanted to take the opportunity to find out what was happening to workers, their wives and their kids who get into that awful mess in dealing with the Workmen's Compensation Board, particularly when cases run on and on. All of you know those cases of which I speak, because when you are down at the board office you see that the files are many inches thick.

Professor Taylor agreed that that would be worth while. In conjunction with Professor Taylor and Professor Con Ashby, we decided that Gloria should first look at a number of cases. She worked in my office four mornings a week. She then started to read the material concerning the Workmen's Compensation Board. We then prepared a lengthy questionnaire. Gloria drafted most of it, but Professor Con Ashby tidied it up so that it was very professional.

I want tonight to indicate to the board, to the minister and to my colleagues what happens to those families. I don't know if the board has ever taken the time to look at what happens to families who get into this bind, but the effects are devastating. I might indicate at the beginning that Ms. Bradford had not seen a compensation case before.

We prepared the questionnaire and were going to try to apply it to 30 of the workers and their families. It was so time-consuming



that we could do it with only 20. The interviews ran as long as three hours, as families really unloaded on what was happening to them in human terms. I am going to quote rather extensively from the documents Gloria prepared for us. I will give a copy to the chairman, in addition to some recommendations, and a copy to the minister along with a copy of the questionnaire.

Let me begin: "the purpose of this study was to determine the effects on workers and their families when they experienced problems obtaining compensation from the Workmen's Compensation Board, or when denied or cut off compensation from the board."

I just repeat, the writer is a fourth year student in the School of Social Work, Laurentian University, and undertook this work as a community field placement research project.

A number of my constituents had encountered difficulty. I remind you that in a period of five months last year we went through some 290 individuals who had problems and we were able to observe the changes in the workers as they came into the office over a period of time, because some of the cases ran as long as two and one half years before being resolved.

We were able to detect what it was doing to the workers. We wanted to know what it was doing to the wives and the children, to the husband-and-wife relationship, as well. The questionnaire of some 123 questions was prepared in eight sections. We modelled some of the questionnaire on the strike impact study done at Laurentian University by Professor Radecki last year during the major strike at Inco. We chose the long-term cases, some from 1978 and some from 1979.

We contacted the workers and prepared for the interviews, which took place either in my office or in the home, whichever was convenient for the worker. I might indicate that the families were extremely co-operative. Not one person declined to answer any of the questions, some of which were very personal. All the workers, by the way, were guaranteed that their names would not be revealed, and therefore they were protected from anyone's contacting them.

Let me start with the general outline of the problems which workers interviewed have experienced with the Workmen's Compensation Board.

"The most frequent complaint the workers had with the board was irregularity in receiving compensation cheques. It was occasionally necessary for a worker or his wife to drive to Sudbury to pick up a cheque

that was reportedly lost in the mail—it was never clear whether it was lost by the board or by the post office.

"Workers found that telephoning the Sudbury Workmen's Compensation Board office was of little benefit since Sudbury would have to telephone Toronto for an answer. I was extremely frustrating for a worker to contact the Toronto office and then be told that his file was lost. It appeared to some workers there was a lack of communication between the Toronto board office and the workers."

Let me indicate here that I find nothing more frustrating—and I don't know how the board gets around it because of the volume—than people receiving a silly form letter. There is nothing personal about a form letter. It does not answer very many questions, particularly for workers whose benefits have been terminated.

"It is hopeful that the decentralization of Workmen's Compensation Board—" a move we have long encouraged the board to make, "—and the location of a regional office in Sudbury will reduce these problems."

We think they will. I think the board agrees with that.

"Workers indicated that generally speaking they were treated well by the Sudbury Workmen's Compensation Board staff. An exception to this was the difficulties some workers experienced with the vocational rehabilitation workers."

There was a great concern there.

"Apparently middle-aged injured workers with limited education, some primarily French-speaking, are expected to find light duty work on their own."

Let me tell you how that works. A worker is given a list of names and is sent out to check with the employers to see if they will either employ him or engage in a program wherein the board will pay part of the difference. Workers find that terrifying. We will come to it in a few moments as to why, because you will see the educational level of the type of worker with whom we have the problems.

"Rehabilitation training is not offered soon enough for many men."

I have complained about this over the years, suggesting that even if we have to have someone with a bad back making widgets it would be a lot better than having him sit at home thinking about his problem. "The longer men are off work, the more difficult it becomes to have them resume steady employment."

"The workers' specific problems with the board vary greatly and are therefore difficult to summarize."

I think I indicated last year that the problem was the inconsistency. One thing that was constant was the inconsistency.

"To illustrate some, three workers had received no compensation when interviewed, and four explained that they had been receiving compensation but had now been cut off with no warning."

Again, let me stop for a moment. That is supposed to have discontinued and I know that Mr. Darnbrough—and I give him credit for it—has tried very hard. When we bring to his attention that someone is doing it, I know that he checks it out to make sure it does not occur. But it is still occurring. I don't know how we get away from it. Maybe through decentralization where there will not be so many files getting lost. I hope that the new office in Sudbury is on the vertical. Or is it the horizontal?

**Hon. Mr. Starr:** It will be one or the other, we guarantee it, or both.

**Mr. Martel:** Let me continue. We had three workers who had received no compensation, four explained they had been receiving compensation, and another four waited between three and one half and six months before receiving any compensation. Two waited a year; both received it then as a result of their successful appeals. So there is something wrong when that occurs.

"The board considered two of the workers to be ready for modified work and therefore reduced their compensation by 50 per cent. Frequently a worker's doctor's diagnosis will differ from that of the Workmen's Compensation Board doctor—15 were seen by the board doctors; however, six men reported that the Workmen's Compensation Board doctor gave no indication of his diagnosis. Workers suspected that sometimes there was a difference between a doctor's report to them and the report sent to the board."

That has been a frequent cry to the board. 20 p.m.

"Two of the workers are experiencing emotional problems due to the difficulties they have experienced. These are now recognized by the board and the workers are receiving a provisional award.

"Of the 20 workers interviewed, 15 have found it necessary to appeal their cases. At the time of the interviews, 14 of the workers were not working."

That goes back to 1978 and 1979, and 14 out of 20 were not working when this report was prepared.

"Profile of the families: Marital status: eighteen of the families interviewed were married; the remaining two lived common law.

"Length of marriage: The average length of marriage was 16 years. One common-law relationship was of four months' duration at the time of the interview; otherwise, the spread of length of marriage was from six to 32 years.

"Age of worker: The average age of the worker was 40 years; the spread was from 27 to 58 years, with 14 men between the ages of 31 and 48 years."

May I remind you that 14 of them were not working at that age level.

"Age of wife: The average age of their wives was 38 years. Here the spread was from 26 to 54 years, with 14 women in the 30-to-44-year age group.

"Number of children: The average number of children per family was three. Eight families had two children and five families had three children; the spread was from one to seven children.

"Religious affiliation: Of the 20 families interviewed, 15 families were members of the Roman Catholic church, four were members of Protestant churches; and one specified no religious affiliation. Seven families claim to be active members in the Catholic church, and one family was actively involved in a Protestant church.

"Ethnicity: Seventeen of the men interviewed were French and three were English."

I suspect that if there is a problem, one is in the field of linguistic difficulties. I suspect that the same thing applies here in Metro Toronto when we deal with the large Italian group, or the large Portuguese group. These are the workers who are having difficulty getting placed.

"Twelve of the wives were French and five were English.

"Education:"—this is vital—

"Of the 20 workers interviewed, one half had completed at least grade eight and seven of these had completed grade 10. Only one, however, had attained a grade 12 education. One respondent had a grade three education, two had grade four, two grade five, one grade six and four grade seven.

"The wives had achieved higher levels of education than their husbands. Eighteen women had at least grade eight education, 14 of these had completed grade 10, and five grade 12. One 44-year-old woman had

a teaching certificate from normal school but, as she had not taught for over 20 years, this could not be considered a marketable skill.

"Home ownership: Eighteen families owned their own homes, while two rented their accommodation.

"Type of work the respondents were employed in: thirteen of the workers were employed as miners or in mining related jobs. Inco employed nine of the men. Other occupations included two carpenters, a plumber, a trucker and an auto body man—all blue-collar workers.

"Type of injury: Injury to the back was reported by 12 of the workers."

That is our problem area that we never seem to be able to grapple with.

"Six workers suffered head injuries; one worker had a shoulder injury; and one had his foot seriously damaged."

It is interesting to note that many of them are miners where something loose fell on them, or they were injured through the use of jumbo drills, or what not. In fact, you can relate it directly to the employment and the fact that this type of injury is the most difficult to cope with.

"Injury to more than one part of the body was in fact often the case. In one instance a man's arm, foot and head were injured. However, this is listed under head injuries above since it was either the most seriously hurt or is still problematic."

"Family relationships"—there are some brief charts here; let me indicate what they come down to.

"Amount of stress as a result of the problems with the board as compared to before experiencing problems."

A great many more problems, the board said, are had by the women. Fourteen of them were experiencing considerably more problems than before. These are stress-related. Fifteen husbands out of 20 were having a great deal more stress. So were five children. Taking the whole family as a group, 13 families were affected. Five wives were having more stress than normal, as were husbands and 11 children; the total number of affected families was seven. In fact, nearly all 20 families are having serious problems with stress as a result of their problems with the Workmen's Compensation Board.

"Examination of the above table appears to indicate that the majority of workers and their wives experienced a great deal more stress as a result of the problems they have been experiencing with the Workmen's Compensation Board. Table two below would

suggest that their frustrations and worries have increased the amount of marital quarrelling."

Here are the husband-wife relationships since experiencing problems with the board as compared to before: Before, never: two families maintain they never had problems. The husband's swearing: four; his use of physical force before: never. Seventeen indicated never.

Less often: it was husband's swearing: once; seven said there was no change.

For marital quarrels: more often, 11 out of 20. Husbands became more abusive in five cases, and the use of physical force became predominant in three cases.

Respondents stated that the major reasons for their marital quarrels were cheques arriving late from the Workmen's Compensation Board and insufficient money to meet their needs. Two of the husbands physically abused their wives and one worker says he may slap a child now—something he never did before experiencing his present problems.

Husband-wife relationships since experiencing problems with the board as compared to before experiencing problems:

Much more: Five talked together much more; six spend much more time together—they have nothing else to do—and three understand each other much more. None have sexual relations much more often.

More often: Three talk together more often, three spend more time together, and three understand each other more; none have more frequent sexual relations.

No change: five, four, seven and seven under those topics.

Less often: Five talked less often to each other, five spent less time together, four understand each other less often, and five have sexual relations less often.

Much less often: The numbers are two, two, three and eight.

"Respondents indicated that the Workmen's Compensation Board and their problems with the board are often the subject of conversations. Some workers mentioned that they now lack patience with the board and their tempers flare easily." Certainly we all know of the experiences the board has had with workers over the years.

"Although 14 of the 20 men are not working, the majority of the husbands and wives are not spending more time together. As one worker commented, 'We spend more time in the same house but don't spend our time together.' As table three clearly indicates, the couples are having sexual relations less often; two workers say they are having none at all. In the one case, this reflected the



relationship between the couple and in the other the worker had a sexual dysfunction.

"In general, the problems experienced with the Workmen's Compensation Board have put a strain on the marital relationship. Two couples separated as a result of anger and the pressure of problems with the board but have now reunited. Two families indicated they have put off having another child because of the problems experienced with the Workmen's Compensation Board.

"Effect of workers' problems on children"—all families interviewed had children. "Six families felt their children were somewhat affected by the problems they were experiencing with the board. Nine respondents indicated their children had been affected very much; however, five felt the children had not been affected at all. The parents' inability to give their children spending money was mentioned most frequently. Another factor cited was the parents' lack of patience due to the problems they were experiencing. As well, the children missed their father when he was sent to Toronto for treatment."

This is one of the reasons we have advocated another hospital for the Workmen's Compensation Board. Despite all of the rattling about the expertise being in Toronto and about keeping it all there together, I think it is time we started to think of the workers so that they can be close to their families. I remind you that it was none other than the Premier (Mr. Davis) who promised board hospital in the Sudbury area. This as in Sudbury, at a Tuesday night meeting before the election in 1975. But we are still waiting for it.

30 p.m.

"Of the 20 families interviewed, 16 had relatives living in Sudbury; however, help came from both relatives living in Sudbury and from elsewhere in Canada. Nine families received help and two were offered help. This help consisted of financial aid, emotional support, and actual physical help, such as repairs.

"Only two families reported that they had no close friends. Eight families had one or two friends, three had between three and five friends, and seven had five or more friends. In 12 cases, friends provided help and in two other instances help was offered. Help here was in the form of moral support, babysitting, driving, snow shovelling, installation of field bed, to name but a few."

These are men who worked every day until they were injured. And here we are asking their friends and relatives to pick up the pieces for them.

This study is interesting on the subject of organizations. In the Radecki study it is indicated that as a result of the strike, most government and volunteer agencies were not helpful to workers during that time. For these 20 workers it wasn't much better.

"The majority of the workers did not belong to clubs or organizations other than their labour or trade union. While 17 answered no when asked whether anyone in the family had to give up membership in an organization because of the problems being experienced, six respondents did qualify their answer. For example, one boy had to take the money for his hockey registration out of his own bank account and wear hockey equipment that he had outgrown.

"In nine instances, workers indicated that they had received some form of help from their union."

Again, that bothers me. The unions are not there—they really are not—to tide the worker over while he straightens out his affairs with the Workmen's Compensation Board.

"To illustrate, the union sent \$40 to buy toys for the children at Christmas time; the union helped a worker with his appeal; and in another case it arranged for financial aid in the amount of \$1,000 from a welfare fund."

The United Steelworkers have their own welfare fund, and we all know that they put forth a lot of money and are reimbursed if the case is successfully appealed. But what happens to people in between?

"A church did send a family a Christmas basket one year. Another family explained that their church asked whether they needed help; however, they declined any. Alcoholics Anonymous has been of benefit to one worker.

"Family Health: Overall, 10 workers reported that the difficulties experienced with the Workmen's Compensation Board have affected their health 'very much,' six workers indicated 'much,' three stated 'little,' and one 'very little.' Six of the wives felt their health had been affected 'very much,' eight, 'much,' and six, 'very little.' The most frequently mentioned problems were 'troubles with their nerves' which seemed to refer to the emotional stress."

Many were on Valium by the way, and stomach ulcers were prevalent.

"Financial worries, anger and frustration seemed to be the contributing factors. One family said that their children needed dental care but they could not afford it.

"Two of the workers interviewed attempted suicide." Isn't that nice?

"After having consumed alcohol, one man shot himself with his own gun. This worker has had several mining accidents—the first in 1959. He reported he had 'trouble with his nerves,' that he had had an operation for ulcers, and that he has diabetes which can be controlled by diet. It is unlikely that this 46-year-old man with a grade six education, who has not been employed since he collapsed at work in 1974, will ever again return to regular employment. He is receiving a combined pension of 25 per cent from the board; the 10 per cent for his neck injury amounts to \$43 monthly and the 15 per cent for his back injury is \$51 monthly."

Magnificent amounts.

"A second worker attempted suicide twice by overdosing and on each occasion was admitted to North Bay Psychiatric Hospital. He has also been seen by a psychiatrist at the Workmen's Compensation Board Hospital in Toronto. Here he had difficulty relating to the psychiatrist because of his anger at the board. This man indicated that he had lost all faith in the human race.

"It is believed that some people find smoking and/or the use of alcohol to be tension-reducing mechanisms. For this reason these two aspects were looked at."

Smoking habits since experiencing problems with the board, as compared to before experiencing the problems, were as follows: Those who never smoked at all: nine wives, two husbands and three other family members. Stopped smoking: two wives, no husbands and no other family members. Smoked more: seven wives, 12 husbands and no children. No change: two wives, five husbands and five other family members.

"Table four above indicates that 12 of the 20 workers smoke more since experiencing problems with the Workmen's Compensation Board."

Consumption of alcohol since experiencing problems with the board, as compared with before experiencing problems, was as follows. Those who never drink: seven wives, three husbands and three other family members. Stopped drinking: one wife, three husbands. Drink more: seven husbands. No change: 10 wives, five husbands, and three other family members. Drink less: two wives, two husbands and one other family member.

"Of the seven workers who indicated that they drank more since experiencing problems with the Workmen's Compensation Board, three reported that drinking became a problem for them. One man stated that he drank heavily when his cheque from the Workmen's Compensation Board was late

due to his worries about meeting payments. As a result of excessive drinking, one worker physically abused his wife and threw her out of the house. This worker reported that he did not have enough money to meet his payments at the time. A third respondent indicated that during the years of 1975 and 1976 he drank excessively, but now had stopped drinking completely. He stated that he physically abused his wife and smashed things in the house and then went out and got drunk. The order is as given by the worker. This man has worked since he was 11 years old and indicated he had never in his life asked for help—he is proud that he has always been a hard-working man. Now he is extremely bitter with the board because it is implying that he is trying to get something for nothing.

"Financial stress on the family: Fifteen of the 20 respondents rated the financial stress as very much, two as much, and three as little.

"In two of the latter three cases, the wives worked full-time, earning at least \$10,000 yearly."

In fact, if it hadn't been for the wives working, I suppose the number would have been 20.

"In the third instance, the worker received \$214 weekly from the board and his wife worked part-time."

The three families who covered off nicely had income.

"Many families indicated that the financial stress was their greatest problem. To illustrate some of the financial worries cited the workers' payments had been cut off without explanation; cheques frequently arrived late; the worker or his wife sometimes has to drive to the Sudbury office to pick up the cheque; the worker doesn't understand why the board has refused him compensation for his last accident; families are behind in mortgage payments; a family had to increase mortgage on their house to get money to live on."

One worker explained that he would have had to declare bankruptcy if it had not been for the strike at Inco, because creditors were much more generous during the strike.

"Gross family income before the workers' accidents: Six of them earned between \$10,000 and \$14,999; nine earned between \$15,000 and \$19,999; four earned between \$20,000 and \$29,999; and one earned over \$30,000."

Can you ask yourselves why these people would want to stay on compensation, with those types of incomes?

"The above information may not be fully accurate since most of the accidents occurred several years ago. It was not clear whether the workers were indicating their salaries at the time of their accidents or what they would be earning if employed at the same job today."

There is a bugaboo. If you go on compensation and are reduced in the work place, and if you stay on temporary disability, the cheques surpass what you had been earning, and you continue to fall behind.

I know of one case involving a man with 10 children, whose take-home pay at the present time is \$8.40 a day less than it was at the time he got hurt. The wage rate has caught up. There is really something sick about it. I don't know how you do it with 10 children, on \$8.40 a day less than you were previously taking home. There is something nuts about it.

"After their accidents, the workers' weekly income ranged from zero dollars to \$234. The spread of the workers' estimated loss in some instances was guesstimated at anywhere from \$4,000 in four years for the worker with the \$30,000 salary."

6:40 p.m.

A worker's compensation is based, as we all know, on 75 per cent of his previous four weeks' earnings. The maximum compensation a worker can now receive is \$266. Pension calculated on the earnings for the year prior to his accident up to a maximum set by the board. A 10 per cent pension for a neck injury would be 10 per cent of 75 per cent at the time of his earnings—another little inequity.

I well recall helping a man establish a liscosis pension. In fact, you rated his pension at the time he left the work site, which was 13 years previously. He left under-sound; so his 50 per cent pension was a paltry \$200 a month. Again, it is something I'd that it could happen, but it does, because we haven't made provisions for them to keep it.

"The average number of persons living in household and dependent on the family income was 4.5 persons. In seven families the wife was working, three of these part-time. However, in the remaining 13 families the husband was the only member contributing to the family income.

"Seven families sought help from a welfare agency and six of these qualified. All reported being treated with respect at the agency. It found the experience unpleasant; they felt humiliated and degraded. A worker said his wife cried when she saw welfare on the

cheque that he brought home and wanted him to return it."

They reach the final degradation, after the types of jobs they had and the incomes they had, when they ultimately end up at the welfare office. There is something sadly amiss in our system that reduces hard-working people to the welfare roll.

"As a result of the family reduced income, two families lost their car, one all their furniture and one 80 acres of land. Others sold items such as trucks, a snow machine, a pool table to provide needed money. Only two of the 20 families were renting. One worker reported that his mother-in-law was giving them free rent, and the other family indicated they were \$600 behind in their rental payments.

"Family goals prior to the injury: In general the workers and their wives had goals that were unpretentious, such as paying off their mortgage, refurnishing the house, buying a car or taking a vacation. Thirteen respondents stated that the problems experienced with the compensation board had influenced their goals very much, two much, and four very little.

"When asked to rate how the problems experienced influenced their family goals, nine workers indicated very much, three much, two little and five very little. While the changes in their goals were partially due to their accidents, many cited the fact that the board was not compensating them at all or inadequately compensating them as influencing their goals. In four instances, the respondents had hoped to save enough money to start a small business; now their dreams were shattered.

"Worker status in the family: Three quarters of the workers indicated that the experience with the Workmen's Compensation Board had affected their status in their family."

I remind you that 17 of them were francophones who take great pride in being the breadwinners, it is inherent in their background. For them not to be able to do it is destructive. "Ten families responded very much, five much, one little and four very little.

"During the past six months one worker felt that his wife was better off without him. Another worker explained that he felt he was no longer a man now that he could not provide adequately for his family. At the time of the interview he was working on the cleaning staff of a large mining company at a considerably reduced income.



"What the experience with the Workmen's Compensation Board has meant to the worker and his family: The majority of the families interviewed have experienced severe economic hardship and the future looks bleak for many. The frustration and the mental anguish have seriously affected the families. Several respondents indicated that the uncertainty of compensation payments had made nervous wrecks out of them.

"A frequently used word was 'hate' when workers or their wives were giving their impressions of the Workmen's Compensation Board and its treatment of them. The families are extremely bitter. It angers workers to have to fight for compensation for which they think they qualify. They resent being considered freeloaders.

"One worker commented, 'It is difficult enough to have to accept my injury without having problems with the compensation board as well.' It was humiliating for workers to have to approach welfare for financial assistance; a few just couldn't.

"Some had to borrow money for food and clothes for the children to go to school. Letters had to be written to companies explaining why payments couldn't be made and, since they did not know when their cheques would be coming, they had to ask for an indefinite extension. One woman says she just hates to answer the telephone for fear it is another company requesting payment of an overdue account.

"The families stressed that the problems they have experienced have influenced their family life. Tempers are short; their personal lives have changed drastically. As indicated earlier, the couples' sexual relationships have been seriously affected. They are forced to spend more time at home because they can't afford to go out and this lack of social activity undoubtedly contributed to the depression many mentioned. The situation has led to increased consumption of alcohol for some.

"Workers seem to believe that the therapy they have received at Laurentian Hospital in Sudbury was equally as good as that they received at the rehabilitation centre. They miss their families when sent away for treatment and the women indicated that the children really missed their fathers who went away for a month. The board pays for transportation home once a month, although the workers are free to go home every weekend.

"While treatment is necessary as a result of the worker's accident and is certainly not the fault of the board, the workers resent the way they are treated at the rehabilitation

centre. They are bitter in their condemnation of the centre. They indicated that the meals were good but they were treated like school children."

I'm sure the board is going to respond to that. We are simply going by what 2 workers indicated when interviewed and where from two to three hours.

"For example, when going out in the evening men had to sign in and out, which they resented bitterly." We are talking about workers who are 45 years of age: school's out.

By the way, this is an interesting thing. Are you aware that some doctors are billing patients who go in to get a form filled out to submit to the Workmen's Compensation Board; in addition to everything else doctors insist on a cash payment?

**Mr. Van Horne:** Would you believe I had a doctor's bill sent to me for a report?

**Mr. Martel:** I send those on to the chairman hoping he will pay for the medical report; he doesn't want to do it, though.

**Mr. Van Horne:** I'm sending it to the minister.

**Mr. Martel:** Or the minister. But I don't understand why I should pay for it and the worker can't afford to. Somebody sure should be paying for those medical reports or the medical reports that the doctors are submitting should be made much more available to members.

I know that members can go down to the board office and look at the reports, or we can send our assistants and they can write it down in longhand; I have never heard of anything so stupid in my life as to send an assistant down there who spends all day writing medical reports out. Why it can't be Xeroxed in 30 seconds and given to our assistants to bring back to look at is beyond me. But they have to copy it longhand. That is something nuts. Are we trying to help people or hinder them?

I send my assistant down and it takes hours to write some of those medical reports out. Why can't we get them Xeroxed? I understand what happened in the beginning. I spoke to the board about it and understood that some of the employers were going down to get the doctors' reports to use them against the workers in their appeals—my colleague says, "They are quick to Xerox our

**Mr. M. Davidson:** When they go to appeal a case and require information they are quick to get that information that they do have.

**Mr. Martel:** But it is somewhat more difficult for us. There is something amiss there.

Another interesting thing, too. If you send a worker back to the doctor and say, "We need a medical report if we are going to help you," some doctors are first rate, but some are real klutzes. They really are. They get angry; they send bills. They say, "No, I'm not giving you the report." We know the procedure to go through if we want to; we can appeal to the medical association, and a doctor has to surrender it. But we are trying to help workers. It is just too difficult. It takes too long.

One woman told how she was embarrassed by a Sudbury doctor in front of other patients in the waiting room when she had to get his signature on a form. She had to make a 50-mile round trip for this signature. These are people who don't have incomes, who are waiting for cheques. They have to go to Sudbury, to drive 50 miles. We all know the price of gas and the difficulty of parking. Where do they get the money to do these things?

1:50 p.m.

"Comments and observations"—these are the writers' own comments, and I stress to you that Gloria Bradford had not dealt with a compensation case ever before; she had not seen them. "The writers were impressed with the 20 couples interviewed. They appeared to be honest, hard-working people who, prior to the accident, had been independent, relatively happy families. Their injuries were enough to have to adjust to without having to cope with the additional stress imposed by the board. Their bitterness and hatred of the board was unanimous. The families were quite willing to discuss their light in hope that it would be beneficial to the workers who might in future be faced with similar situations.

"Two respondents cried when telling of their difficulties." That's one of the reasons we have to decentralize. I don't know if you have had the pleasure of some 50-year-old man sitting across the table crying because he can't cope any more. It is terribly distressing. Maybe when we get decentralized, the staff will not look on workers as numbers, it will be dealing with people and trying to get to the bottom of their problems much more quickly.

"The pride the miners had in the work they performed was impressive. The fact that they could no longer function in this role affected their status greatly.. The additional fact that they were unable to meet their family financial needs was now humiliating for them. Some were too proud to let out-of-town relatives know that they needed financial assis-

tance. One miner said that he would starve before asking his father living in the east coast for help.

"The board's implication that they were malingering angered them greatly. As one young woman, whose husband's compensation had been cut off, pointed out, "Why would we want to exist like this when we could be living comfortably on our own income?"

"It would appear that a few of the workers interviewed were not retrainable. For example, there was a 58-year-old man with a grade four education who speaks no English. This respondent had worked for 35 years as an auto body man. He is no longer able to perform this type of work due to his injury. He explained that he had been unable to obtain light-duty work in Sudbury because he cannot speak English. Many of the workers' injuries precluded their walking, standing or sitting for any length of time which limited the type of work they can be trained for.

"It is equally as difficult for the workers' wives to seek employment." I remind you that we are talking here primarily about northern Ontario, where we do not have secondary industry. Outside of being in the professions, a waitress or a secretary, a woman simply can't get work. They can't even go out to try and augment the pensions that might be coming in or simply to be the sole breadwinner.

"It is equally difficult for workers' wives to seek employment." You will recall I just mentioned a man who was French, 58 years of age, and had worked 35 years in a body shop; here's his wife, also French-speaking, who is 54 years of age and has raised five children, now aged 26 to 33 years. It is virtually impossible for a woman who has been a homemaker for 34 years to begin working.

"As the respondents explained their situation, the writer was able to empathize with their extreme frustration. It was sad to see how greatly their family life had been affected, although in most cases the wives were supportive. Nevertheless, the financial and emotional stress placed a strain on family relationships.

"Several workers were critical of one Sudbury doctor. They described him as arrogant. This surgeon suggested to one worker that he was just interested in receiving compensation because he was on strike. Another worker was told there was nothing wrong with him and the doctor added that he didn't want to see him again. Subsequently another doctor ended up operating on the man.

"The workers' negative experiences with the board have been so numerous and varied

that it proved impossible to generalize them. Workers are concerned about their future; the fear of cutoff or reduced compensation is always present. For others, it is a hope that their appeal for compensation will be won." As I indicated, it took us a year for two of them.

As a result of Gloria's paper and the questionnaire, on which we received great assistance from two university professors, a group of us met to consider the plight of families and what recommendations we could make to the board based on what we saw happening.

The first recommendation we make is that no worker should suffer financially as a result of injury; nor should his family experience the frustration and mental anguish many portrayed. Second, owing to the number of accidents that occur in mining and lumber, it is recommended that a rehabilitation centre be located in northern Ontario. Workers should not have to go to Toronto except for specialized surgery not available in Sudbury.

The maximum compensation at present is \$266 per week. This is a considerable decrease in wages for highly-skilled men. For those on lower incomes the rate is even lower. As a result, many workers are unable to travel home from Toronto more than once per month financed by the board. With a centre in northern Ontario, more frequent home visits would be possible. A site that should be considered is Burwash because of the facilities which are sitting idle. For example, there is a gym which I believe has four basketball courts; it is that huge. It was not used except for about nine months before the government, in its lack of wisdom, chose to shut down Burwash. There are homes there; it is an entire community. Also, if a rehabilitation centre is located in northern Ontario it would appear to be more agreeable to the workers to receive their therapy at a Sudbury hospital.

Improvement in the rehabilitation program is imperative. It is recommended that workers receive suitable assessment and counselling. The administration of physiological, psychological and aptitude tests is required to determine whether the worker is capable of retraining and, if so, the area of retraining most appropriate for him. More emphasis on trade training and on-the-job training should be considered. The fact that workers have linguistic problems and low educational levels just makes it abundant good sense, and that is the direction we have to go.

Workers should be made aware that the rehabilitation training is available. I was surprised to learn when we sent our task force to northwestern Ontario that many of the workers were not aware of the services that were available. I am not sure, when a worker has reached the point of physical betterment whether the board says to him: "We had better consider rehabilitation; we had better consider retraining. There is adequate income while you are retraining." I am not sure that is happening, and I have talked to John Wisocky many times about it.

Maybe it is a result of people out in the field not doing it. I know in talking to Mr. Wisocky he makes it abundantly clear that is what he wants. I am not sure what is happening out there, but when we talked to workers, when our committee scoured the province—that was only a couple of years ago—there were many workers who didn't know it was available.

It appears the longer a man is unemployed the less likely it is he will return to regular employment. In view of this fact, it is strongly recommended that retraining begin sooner. It is further recommended that the rehabilitation centre be operated with a less prison-like atmosphere than was described by the respondents.

It is virtually impossible for middle-aged injured workers with limited education, some primarily French-speaking, to find light-duty jobs on their own. I suspect that applies in the Portuguese community, as it does with the Italian community. Therefore, it is recommended that the injured workers receive more assistance in obtaining work than they are now getting.

I find it unacceptable that we give a worker a list of employers or some ads in the newspaper and say, "Sick him; go find it." That is not my understanding of rehabilitation. You don't give a worker a list and send him on his own hook. He doesn't have the education. In many instances we note here he can't speak English well. What the hell are we doing with them? There is something amiss.

10 p.m.

It is unrealistic for a 27-year-old man to remain unemployed because he cannot afford to move his family to another city. We have a super program going in Elliot Lake for a while; we assisted workers to relocate. But if you retrain a man and there is no work in the area, and he hasn't had an income except WCB for a while, how in God's name does he move to Metro Toronto, without assistance, to re-establish where there is



work available? Therefore, it is recommended he be financially assisted to relocate where there is employment.

Two of the 20 respondents waited a year for their first compensation payment and only received them then because of successful appeals. During this time their families suffered financial and emotional stress. Onus should not be placed on the worker to prove his injury. We say that doesn't happen, but in fact that is what happens. The worker has to prove he got hurt on the job or his present problems are job-related. The onus is on the worker. You people will all disagree with me, I am sure, and say, "That is not the case." But I know the number of appeals I go through and many of the gentlemen over here I have appeared before. It was never the intent of the legislation to put the onus on the worker to prove his injury was job-related. Something has to be done in looking at that whole area to make it that the onus isn't placed on the worker.

It is recommended that a benefit-of-the-doubt clause be implemented. I wind up every appeal saying the benefit of the doubt should be given to the worker. It doesn't always work, mind you.

**Mr. Haggerty:** It's falling on deaf ears.

**Mr. Martel:** That's right.

Where the appeal is successful and the worker receives retroactive payment on a disputed claim, the board should be forced to pay the going interest rate on what it deprived them of for a year. If I had my way my colleagues aren't as radical as I am—I would say the board has to pay him throughout the whole of the case. I don't accept the resolution—I guess it was John Turner's—that was passed in the House.

I think the worker has to be paid throughout. If it does only one thing, it will get the board moving and resolving those cases faster. Have been told so frequently it is the appeal of an old injury that is the easiest to deal with, but we all know it is the most difficult. If the information is there and it takes months to get an appeal going. It takes months to get a field investigation and a report. Then you are turned down and you start digging yourself. Too frequently I can come up with the answers that lead to successful appeals. I have never been able to understand why the board can't. If I can do it by communicating with doctors, surely the onus on the board to get all the appropriate information.

I had eight appeals in a row last fall, and seven were successful, before the full

board here in Toronto. It says something for the investigative system of the board. If I could get the medical information that led to the overruling of a decision, surely that is the role of the board. It is not the role of those people who happen to be working on behalf of injured workers. That is the board's responsibility. Somebody needs his head bashed in because that information isn't being acquired. It is common sense. If we can do it, why can't the board? We only do it on a part-time basis; we have other responsibilities.

But, as I say, I would suggest that workers should receive payment until final decision if need be.

**Mr. Haggerty:** You are not suggesting that you get a sledgehammer to get their attention?

**Mr. Martel:** No, no. You can get their attention. It is just to try to get somebody to put it all together. I just can't understand what goes on—why I can get the information and the board can't. Maybe I am obtuse, but I can't understand.

It is discouraging for a man to retrain only to learn that he will now earn less than when he was on compensation. In view of this fact, it is recommended that salaries be supplemented to provide more incentive to retrain or take light-duty work obtained without retraining.

The committee approves of the decentralization of the Workmen's Compensation Board and the location of a regional office in Sudbury. It is hopeful that this decentralization will eliminate the loss of files and improve the direct communication between the worker and the board.

It is not acceptable for a worker to learn, when he telephones to see why his cheque is late, that his case is under review. Again, it is still going on. I don't know how we get to the bottom of it. It is recommended that workers be informed before their pay cheques are cut off and receive notification as to why, so that we can try to get to the bottom of it before the funds are cut off. That is destructive of people.

Since workers suspected that sometimes there was a difference between a doctor's report to them and the report sent to the board, the committee recommended that the Workmen's Compensation Board require physicians to ensure that the facts related to the injury, as presented to the board and to the worker, are the same.

When a worker is seen by the Workmen's Compensation doctor at the rehabilitation centre the worker should be fully informed by the doctor about the nature of his injury. It is further recommended that difficulties encountered by the worker with low back in-

juries be studied carefully and policies adopted by the board, thereby eliminating where possible these difficulties.

When a worker is examined by a board doctor for a pension, he or she should be examined carefully and advised of the findings. There is nothing more frustrating to a worker who goes to the Holiday Inn in Sudbury to be rated for a pension and then gets a cursory examination. Maybe this is the proper medical way of doing it; I don't know. The doctor says to stand on your toes, flex your knees, bend over and you have got a 10 per cent disability pension. Workers don't understand that. They think it's a farce. They think the examinations, when they are being rated for pensions, are totally inadequate. Maybe my friend the minister can tell me afterward if the testing is adequate. But the explanation as to what the doctor is looking for isn't adequate because the workers think it's just a sham.

The rate of pensions should also be explained as to how it will be determined. Too frequently the workers complain that the doctors didn't examine them but merely asked them to bend over or to stand or to touch their toes. There was great dissatisfaction amongst the workers regarding medical examinations.

This is a very lengthy recommendation—and I am nearing the end of my remarks.

While a worker is receiving total temporary disability or a pension and supplement, the board should continue to pay his contribution to the Canada Pension Plan and the Unemployment Insurance Commission. An example of how this lack of payment affects workers is as follows: A claimant has an injury in his or her late 50s and is unable to return to work before reaching 65. The best earning years are at a peak. Also, increases in rate of pay are missed. When it comes time to receive CPP at the age of 65, the claimant receives only a fraction of what he or she might have received. Not only that, but should the claimant die soon after reaching 65, the remaining spouse receives no benefits unless the claimant has contributed to it for a minimum of three years. This number rises yearly as a requirement.

So at age 65, the injured worker has lost a potential high income, higher CPP benefits as well as his or her health and is left with a meagre pension from WCB, if he or she is lucky, and an old age supplement as an income to survive on. If WCB paid a wage loss instead of 75 per cent of the income of the past 12 months when a worker suffers from an occupational accident or disease, the

claimants themselves could afford to pay these insurances and pension plans. Of course with UIC, if you paid that and he had some difficulty relocating and you reduced him because you say he is not co-operating and he is down to 50 per cent he might be able to qualify for some additional UIC benefits while he looks for work. But we don't pay that; so if he comes off work and he's reduced, he's out in the cold. What the hell do you do?

In closing, the committee feels very strongly that it is important that these hard-working previously independent men be treated with the dignity they deserve. Many are finding their injuries hard enough to cope with—for example, constant headaches or a backache—without having to experience additional stress and humiliation at the hands of the board.

10:10 p.m.

Mr. Chairman, I have been lengthy. I don't apologize for that. The paper was carefully prepared by someone who had no experience or contact with the Workmen's Compensation Board or claimants—a very experienced lecturer, I believe embittered by what she saw happening to workers and their families. Those of us who have been around here a good number of years have come before this body over and over to try to get change that would humanize the system. One of the first things the board has to get is a change in attitude that reflects humanity, compassion, and a concern for workers, particularly those whose injuries are of long-term duration.

We have many workers who have no problems. If you break your leg or your arm, or you go and you get compensation immediately; there is no problem. But the other one becomes a nightmare to those of us who handle the cases. I reach a point of total absolute frustration. So help me, when I go home on a Friday and I have constituents. I go in early enough to do my mail. I invariably the first seven or eight letters are compensation cases. If I am going to see 10 people, 10 of them will be compensation cases. By the end of the day, if I had people from the board around, I think I would strangle them; I get that frustrated.

We are not here to do that job. That is the compensation board's job. Why are all of us bogged down with them? Where is the humanity and the compassion that these people deserve? They are not malingerers; they are people who got hurt on the job.

As my final remark, I say that I hope you review my questionnaire and the recommen-

lations in the report, because we are prepared to discuss it in detail.

**Hon. Mr. Starr:** Mr. Chairman, first of all, I would like to make some comments on the observations that were made by Mr. Van Horne with respect to positive action for women and the four points set out here. Mr. Van Horne asked that we elaborate on the four objectives of positive action for women. We will have a women's adviser here at the next meeting to deal with this in detail and he is subjected to any questions Mr. Van Horne or any other member of this committee may have on the matter.

His comments on the chairmanship and the board and certain sections of the act, I must say would be of great interest to Professor Paul Weiler. I would suggest he either send his ideas to Professor Weiler, or we may take the privilege of doing so on our own for his consideration in his study of the workmen's compensation legislation.

The sheltered workshops referred to by Mr. Van Horne are quite an active subject now within our vocational rehabilitation department. I am sure that during the period of discussion here with the committee Mr. John Wisocky, the executive director of our vocational rehabilitation section, will be able to give more information on this and be subjected also to questions as to what we have in mind for the sheltered workshops in the future.

Mr. Van Horne commented to the effect that there should be greater effort made to place rehabilitated injured workers in jobs. In my opening statement, I cited the number of areas in which we have already participated by virtually knocking on the doors of employers and telling them we had injured workers eager to work and who were dependable in every way; that was accepted with a great deal of success. In most instances where we have created jobs, about 2 per cent to 30 per cent of those jobs have been created in business by literally knocking on doors and have been filled by injured workers that we have on our rolls.

**Mr. Haggerty:** That's with subsidization, right, is it not?

**Hon. Mr. Starr:** Yes. I say Mr. Van Horne did mention the fact that we should give some incentives to employers, and we do. As a matter of fact, we give an incentive of four weeks' full pay during the assessment period when they are actually working on a job. During that period of time, it gives the employer an opportunity to evaluate the employee gradually or probably at once. If he

has made up his mind, we ease out of the picture and he becomes a full employee of that employer. We have had very good success.

For example, in Windsor—and Ted Bounsall happened to be with us at that time—we did locate jobs in an area where there was 19 per cent of able-bodied people unemployed. We had some success in placing injured workers on the job. It heartens us to know this, and it certainly helps us to intensify our efforts on their behalf. I mentioned that on May 26 we will be in Oshawa and Durham region doing one of the bigger ones, encompassing a larger area, and on June 9, we will be in St. Catharines. I think we are undertaking with a great deal of success this aspect of placing injured workers who are rehabilitated and retrained in jobs.

**Mr. Haggerty:** Mr. Chairman, I am going to get into that area when my turn comes.

**Hon. Mr. Starr:** Mr. Van Horne also mentioned that Mr. William Pearce, who has had a great deal of experience in these special programs, particularly the one at Johns-Manville, should appear for questioning here. I assure the committee and the chairman that he will be available and will be here.

Mr. Van Horne also talked about assessments to the employers. I might say we have decreased the employer assessment in the past three years to about 85 per cent of what they were. Our average assessment rate has gone down from \$2.07 per \$100 of payroll to within the \$1.60 range in the past three years.

Mr. Van Horne mentioned the programs that appear particularly on television. I don't know whether he referred to the Construction Safety Association or to the Workmen's Compensation Board's own type of advertising on radio and on television. If he did refer to the Workmen's Compensation Board's own advertising, then I want to advise this committee that this programming will be discontinued shortly.

I have no further comments about Mr. Van Horne's presentation. If I have left anything out, I am sure he will bring it to my attention. We will try to answer any questions he may have in mind.

Mr. Martel made a very voluminous presentation, and I must say I am very much impressed. I want to add my congratulations to Gloria Bradford for the intensive study she has put into this which has brought some very enlightening points to our attention. It would be difficult for me to try to deal with any particular aspect of Mr. Martel's presentation, because it has been a fairly general synopsis



and no particular case was raised. I want to assure you that, because of the work that has been put into it, this will be turned over to our staff now to be given an exhaustive study, not only the recommendations, but also the findings that have gone before.

10:20 p.m.

You have made recommendations as a result of these findings to ascertain where we can make changes on our own without legislative changes, and the attitudes or methods we might employ in some of these things to eliminate inadequacies. I agree with you that they shouldn't happen and we should do our best to try to correct them.

In your recommendations, there are matters that would lead to legislative changes. I don't know whether you want to do it yourself, to turn it over to Paul Weiler for his consideration, or we will take it upon ourselves to do so.

Mr. Martel: Turn it over to Professor Weiler.

Hon. Mr. Starr: We will probably duplicate the effort, but we'll do that. That's the extent of my comments. If you are satisfied—

Mr. Martel: Satisfied that it's going to be studied carefully yes. I'd like to know the results of your study.

Hon. Mr. Starr: So would I.

Mr. McClellan: Some of it will be pursued in questioning.

Hon. Mr. Starr: I'm sure.

Mr. Haggerty: Mr. Chairman, I didn't think I was going to be on this early tonight but I want to get back to the observations the chairman made in response to Mr. Van Horne's comment about the good rehabilitation program available now or the new program available for a number of injured workers who perhaps can obtain employment in the area of light duty.

The question I am going to direct to the chairman of the board through you, Mr. Chairman, is: Without the subsidization of this program, would there be any employment of injured workers in industry today?

Hon. Mr. Starr: It would be much more difficult, naturally. But the centre does give an opportunity to these people to be able to observe injured people at work, to see their eagerness to do a good job, their punctuality and independence. They are trying to prove they can still do a job and be in the labour force. That's one way of stimulating the interest of employers and an opportunity for these injured workers to become again good citizens in the labour force.

Mr. Haggerty: I agree with the intent of the program, but the point I raise to you is whether these persons have been previous employees of the industry hiring them.

Hon. Mr. Starr: In most cases, no.

Mr. Haggerty: That's the whole thing. would be pretty hard for you to walk into an area down there and—let's use Inco as an example—try to convince the company to

Hon. Mr. Starr: We are going on June for a whole week.

Mr. Haggerty: You could take quite a load off my back and get me away from my office on weekends if you could get them to go in that direction.

Hon. Mr. Starr: We are glad to do it.

Mr. Haggerty: But I don't think you are going to have success with a company like Inco.

Hon. Mr. Starr: I am optimistic.

Mr. Haggerty: Over the years I have tried to get them back working in light-duty jobs but there isn't anything available. Particularly in the 1977 layoff there, they went down the line and laid off a number of persons who were injured and had workmen's compensation claims. These were some of the first persons let out on that layoff. The company said there was no light-duty work available.

In this particular area—and I think Mr. Martel can bear some of this out too—the persons are still unemployed. One of the reasons is lack of education. Some of them are perhaps new immigrants who came over and worked at Inco and have an educational level of grade four or five here. The board has been lax in its responsibility in vocational rehabilitation for this particular group of employees. I can't recall the number I have with claims who have been rehired at Inco or hired in any other industry. They just won't accept them.

I have mentioned it time and time again here. They can be registered with Canada Manpower and seeking employment but there isn't enough for the rehabilitation office working out of St. Catharines. When it comes to this particular area, their pensions are cut down 50 per cent and some of them are almost reduced to their permanent partial disability of \$80 or \$90 a month. They have been able to obtain Canada Pension, and it is tough to get that under the rules that apply for disability. In fact, some of them are a tougher than they are at the board.

It is a practice with a number of the so-called workers on your staff at St. Catharines to tell the claimants to seek Canada Pension and even welfare. I find it rather hard to acc-

today's society that they should be cast aside like that and degraded. In a sense, they are told they have to seek welfare. I can name a number of cases in my area. I can think of one person who had a hip replacement. He can't work, he walks with a cane. He has had difficulty getting around. There has been no effort made by the WCB for vocational rehabilitation for this man at all. They will not even discuss it with him. He has to struggle with a pension of about 30 per cent of his income, and that goes back about 10 years ago. It is disgraceful when you have to put a person in that category today. The WCB has a bigger responsibility in this area than ever.

You talk about reducing assessments from plus to \$1.65. If you reduce the assessment when you reduce the amount of claims and benefits that should be paid out to injured workers. You have to. If not, you should have left them at that level and paid them a percent income.

The member for Sudbury East (Mr. Martel) is correct when he tells you that 75 per cent is not enough. You may think that is a sufficient amount of income, but it is not. If you have a family, it is short-changed. It is all right for an individual. When an appeal is made to the WCB, before they arrive at a decision, some of the questions asked are: Does your spouse work? Is she employed? How much does he earn? Do you have a mortgage on your place?" I don't think that should have any bearing on it whatsoever. It should be based upon the individual income that person earns. It should not be whittled down as the board is doing. That is what is taking place when a decision is being made at the board. If the spouse is working, that is taken into consideration when the board awards a claim. That is the wrong approach to take.

The hour is getting late, Mr. Chairman. I think I had better close now, because I want to get into other areas.

Mr. Chairman: Mr. Van Horne, did you have a question? Then Mr. Johnson.

Mr. Van Horne: Mr. Chairman, I appreciate your giving me the opportunity to come back to a point or two made in reply during my absence a few moments ago. In so far as your comments on assessment to employers are concerned, the indication given to me by my colleague Mr. Sargent was that these were reduced. Is that so?

Hon. Mr. Starr: About 85 per cent of classifications in the past three years have been reduced. The average per \$100 of payroll in

all industry in the province has been reduced from \$2.07 to the range of \$1.60.

Mr. Van Horne: Perhaps you could tell me if this is a regional reduction, because the people who have spoken to me in London indicate by and large that their assessments have been on the increase. That is certainly not just within the last year or two but, in one relatively large company's experience, from 1966 to the present. It has been a very notable increase year by year, far in excess of the increase to their assessable payroll.

Hon. Mr. Starr: I mentioned, Mr. Van Horne, that we have 108 classifications of the board encompassing some 140,000 employers in Ontario, and 85 per cent of those classifications have been reduced in the past two or three years. Some in the other 15 per cent have had increases. If I knew the name of your company, we could quickly see what classification it was in and what it's classified as.  
10:30 p.m.

Mr. Van Horne: It is interesting that practically all of them have asked for anonymity. I don't know whether they fear that if they let their name be known it is going to reflect on them adversely in the future. That is not a very good reflection perhaps of their motives in coming to me. I would point out to you that they came to me; I didn't go to them.

Can you tell me then, if that is the case, is there a general category in that 15 per cent where reduction is not the case?

Hon. Mr. Starr: The 15 per cent have not been reduced. Only 85 per cent of all the categories have—

Mr. Van Horne: But is there a general category or grouping that we could put them in?

Hon. Mr. Starr: If you would let me know the industry in which you are interested, I could pinpoint it and tell you what has happened.

Let us look at another situation where we have given relief to the employers; that is, we have incorporated a quarterly payment, which has been helpful to them. The amendments which were passed in December were retroactive to July 1. Their assessment still remained at \$16,200, and for the year 1980 it remains at \$16,200. They are getting quite a relief in that respect there, too.

Mr. Van Horne: Could you give us a list next week of the 15 per cent that will be increased?

Hon. Mr. Starr: Yes.

Mr. Van Horne: That would take me off the hook, and I would appreciate that.

**Hon. Mr. Starr:** Fine.

**Mr. Van Horne:** Mr. Chairman, a final observation is that the chairman, Mr. Starr, did not get into any of the delicate issues that I did about the role of the chairman and the role of the board. I would assume that he is deferring to the minister who might in the next 13 hours make some reference to the rather lengthy comments I made in here regarding the chairman, the makeup of the board, et cetera.

**Hon. Mr. Starr:** My comments were that I think it is a matter that should be for legislative change and probably should be referred to Paul Weiler, unless you wish to bring this to his attention. He would be glad to do it.

**Mr. Van Horne:** I intend to do that if the guidelines remain the same; otherwise, I would like to hear if you have any observations. Maybe you agree with me. If someone said around this crazy place that they agreed with me, I would be delighted.

**Mr. J. Johnson:** Mr. Chairman, I have a suggestion for the committee. I would like to suggest that we invite Lincoln Alexander to attend WCB meetings from here on in. As of June 1 he becomes chairman of the Workmen's Compensation Board. I feel that it would be beneficial to both sides to have him sit in and let the committee determine his participation at that time.

**Mr. M. Davidson:** Is that a motion?

**Mr. J. Johnson:** I was suggesting it. If you would like a formal motion, if it is in order, I would be glad to move it.

**Hon. Mr. Elgie:** Mr. Chairman, if you want a motion made, then I will be glad to contact Mr. Alexander and see if his schedule allows him to attend as an observer. As you pointed out, Jack, he is not officially chairman nor part of the board until June 1, but I will be glad to speak to him about it.

**Mr. Chairman:** Are you all satisfied with that?

Agreed.

**Mr. J. Johnson:** Mr. Chairman, just before we adjourn, since I made that suggestion, I personally would like to take this opportunity to congratulate our present chairman of the Workmen's Compensation Board for, in my opinion, his compassionate concern for the citizens of this province. I hope this suggestion in no way construes that I don't think Michael Starr is doing a good job. In fact I think he is doing an excellent job, and I personally want to congratulate you, Michael.

**Mr. M. Davidson:** Just one further question. Are there further copies of this available?

**Hon. Mr. Starr:** Yes, I think so.

The committee adjourned at 10:34 p.m.

## SPEAKERS IN THIS ISSUE

Davidson, M. (Cambridge NDP)  
 Di Santo, O. (Downsview NDP)  
 Eaton, R. G. (Middlesex PC)  
 Elgie, Hon. R.; Minister of Labour (York East PC)  
 Haggerty, R. (Erie L)  
 Johnson, J. (Wellington-Dufferin-Peel PC)  
 Kennedy, R. D. (Mississauga South PC)  
 Lane, J. (Algoma-Manitoulin PC)  
 Martel, E. W. (Sudbury East NDP)  
 McClellan, R. (Bellwoods NDP)  
 Newman, W. (Durham-York PC)  
 Sargent, E. (Grey-Bruce L)  
 Van Horne, R. (London North L)  
 Villeneuve, O. F.; Chairman (Stormont-Dundas-Glengarry PC)  
 Yakabuski, P. J. (Renfrew South PC)

From the Workmen's Compensation Board:  
 Starr, Hon. M., Chairman



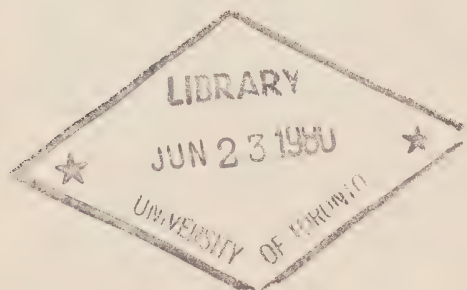


No. R-19

# Legislature of Ontario Debates

## Official Report (Hansard)

**Standing Committee on Resources Development**  
Annual Report, 1978, Workmen's Compensation Board



**Fourth Session, 31st Parliament**  
Tuesday, May 27, 1980

Speaker: Honourable John E. Stokes  
Clerk: Roderick Lewis, QC

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# LEGISLATURE OF ONTARIO

## STANDING COMMITTEE ON RESOURCES DEVELOPMENT

TUESDAY, MAY 27, 1980

The committee met at 8:03 p.m. in committee room No. 1.

### ANNUAL REPORT, 1978, WORKMEN'S COMPENSATION BOARD (continued)

**Mr. Chairman:** The meeting will come to order. All groups are represented. Mr. Haggerty, I think you are the first on the list.

**Mr. Haggerty:** The other day in committee I believe we were discussing some problems related to the rehabilitation of injured workers, particularly those who may be considered for light work. We got into an area of the board's program—I don't know just how successful it is—of visiting industries to promote the hiring of injured workers. I believe the wages are subsidized. How successful is that? Do you have somebody here who can give us a little more detail on that?

**Hon. Mr. Starr:** Yes, I think John Wisocky, the director of our vocational rehabilitation branch, can give you an explanation of any aspect you might want to ask about.

**Mr. Haggerty:** How many are in the program?

**Hon. Mr. Starr:** Go ahead, John. Explain it in full at this time.

**Hon. Mr. Elgie:** Go slowly so we can understand you, John.

**Hon. Mr. Starr:** I believe he does.

**Mr. Wisocky:** Mr. Chairman, I don't know where to start so I will start from the beginning. We have employment blitzes and people looking for work all over the province. Possibly I can start off with the 1979 statistics to show you the type of success we have had in the area.

In terms of jobs found, we found close to 3,000 jobs in 1979—to be specific, 2,868. Of those jobs we utilized 859 positions where injured employees were placed in these positions on a permanent basis.

You may ask why we find almost 3,000 jobs and only use 900. The reason is that we have to give people a choice of various jobs. It is not good enough to say, "Mr. Haggerty,

here is a job. Take it." We would like to make sure it fits the person's ability, skills and interests.

I mentioned the employment blitzes. Since June 1979 we have had seven blitzes. We found close to 500 jobs during a blitz week. This is a period of one week when we go to a community and our chairman announces the program. We have a press conference. We invite industry, labour, members of Parliament, and we solicit their aid in finding jobs for the placement of injured workers. In our opinion it has been highly successful.

**Mr. Haggerty:** What is the educational background if you are looking for a light job, a modified job in that position?

**Mr. Wisocky:** Basically, we review our case loads to determine job-ready clients. We go through our case loads and find we have X number of clients who are job-ready and they may want a variety of different jobs, which could be from something fairly menial to something fairly sophisticated. Once we have the list, our employment specialists go into the community to find these types of positions among vacancies that are available. Then there is the question of matching the individuals with the job opportunities.

In terms of education, I had somebody as low as grade two getting a job and somebody as high as almost having a university degree.

**Mr. Haggerty:** Is there any vocational rehabilitation involved in this—upgrading in school work?

**Mr. Wisocky:** Yes, in terms of training programs we sponsored almost 2,000 in 1979 alone. It includes the upgrading you may be referring to. It includes anything that is needed to assist the injured employee in getting back to work. That is what we will try to do.

**Mr. Haggerty:** What happens in an area where the rehabilitation officer does not contact the particular person? There are a number in my area who have not been approached yet on this new project that is available to them.

**Mr. Wisocky:** As you may remember, the chairman mentioned that we will be going to



St. Catharines and area on June 9, 1980, to try our employment blitz there. At the moment, the counsellors are identifying the job-ready clients to include the areas that you represent, Mr. Haggerty. In fact, we have worked a lot of overtime to identify the cases in St. Catharines, Welland and Port Colborne to see just how successful we have been in spite of the high unemployment rate. I have some preliminary figures here which I would like to mention to you.

**Mr. Haggerty:** Go ahead.

**Mr. Wisocky:** I don't know the number of active cases that we have in the area per se to get that figure, but we concentrated on what we call closures. In other words, these are the cases that our counsellors and employment specialists have handled and we feel we have successfully resolved. In most cases we talk about employment.

If you look at St. Catharines, we closed 16 cases. Of the 16, 11 were returned to work in spite of the fact that the unemployment rate is close to 15 per cent in the area at the moment. Yes, we would like to return 16, but for some reason we could not succeed in helping those five people.

In Welland we closed 14 cases. Of the 14 cases, 10 were returned to employment.

In Port Colborne, which you mentioned, we closed 12 cases so far this year and seven were returned to employment.

I have some other figures in terms of the educational level and so forth which I would be glad to give you for your information. I agree there is an unemployment problem in the area, but we are trying our best to assist the injured workers. We have ways and means of trying to get around it and we try our best.

8:10 p.m.

**Mr. Haggerty:** I hope the chairman heard that, in relation to the high unemployment in the Niagara region. In discussions that I have with the board's staff in Toronto and in the Niagara Peninsula I often find that in a number of cases people's benefits are cut back. Usually the reason is they are not looking for employment or something like that, but I know the majority of them are registered at Canada Manpower. I am sure the persons I have in mind, these injured workers in Port Colborne, have not been contacted. I think there are a number of them with ethnic backgrounds.

**Mr. Wisocky:** Mr. Haggerty, if you could give me the cases I would be most happy to pursue them. Other members have given me specific cases. I am sure they can speak for themselves that we do try, and we have

assisted quite a few of them. If something happened that has to be corrected we will correct it.

**Mr. Haggerty:** Give me your phone number and I will make sure you get the list.

**Mr. G. I. Miller:** I have a supplementary on this. My riding is Haldimand-Norfolk. I think the area to deal with the cases is now St. Catharines rather than Hamilton. Is that true for the old county of Haldimand? Are you aware of that?

**Mr. Wisocky:** I did not quite catch your question.

**Mr. G. I. Miller:** They are dealing with the Workmen's Compensation Board cases for the county of Haldimand in St. Catharines instead of in Hamilton. It seems a long way to go. It is about 55 or 60 miles, whereas Hamilton is only 30 miles away.

**Mr. Wisocky:** We set up the boundary lines almost six or seven years ago when we defined the area offices and information offices. They have been in existence for some time. We cannot have counsellors all over the place.

**Mr. G. I. Miller:** We had a meeting in Hamilton only last fall. Were they changed around that time, Mr. Starr?

**Hon. Mr. Starr:** Hamilton is the main office for that whole area. St. Catharines has been established as a satellite office and it is responsible to the Hamilton office in whatever it does. I don't know exactly why Haldimand cases have been referred specifically to the St. Catharines office. I have no answer for that but I can certainly find out.

**Mr. Wisocky:** If I may, Mr. Chairman, was just handed a list from the claims services division. The Hamilton office covers the regional municipality of Hamilton-Wentworth, the county of Brant, Haldimand-Norfolk and Halton with the exception of Oakville. So we do cover it under Hamilton.

**Mr. G. I. Miller:** The field worker apparently comes from St. Catharines to take care of the types of cases that my colleague was referring to.

**Mr. Wisocky:** In our case, sir, the field case worker may not have enough cases in one area but it is up to him to travel around. We don't expect the client to come to him.

**Mr. G. I. Miller:** So the case worker will go out to the field?

**Mr. Wisocky:** Oh yes, they are always in the field.

**Mr. Haggerty:** I want to deal with the report here, "Current Concerns of Workmen's Compensation." I received a copy of this o

December 20, 1979. It covers a number of areas. It mentions something about the Wyatt report.

There is one area I was looking at where I thought some consideration should be given, which is the indexing of the escalation of benefits. If the minister will recall, last December I believe we had a bill brought in about two hours prior to the closing of the session, which did not give the members ample time to debate it in detail. In the past, increases have usually been given some time around July 1 in that particular area.

Whether it was done last year for a Christmas bonus, I don't know. It seems to be the habit of the government, just recently, to give out cheques around Christmas time. What is the position of the Workmen's Compensation board on the indexing of benefits?

**Hon. Mr. Starr:** I think if the legislation is amended to give the Workmen's Compensation Board the privilege of making it automatic, or whatever other form it may take, then of course the board would carry it out, but at the moment it does not have that right under the legislation. Consequently, the legislation has to be opened for any adjustment of the cost of living index.

**Mr. Haggerty:** Has the chairman made that suggestion to the Minister of Labour, so that we could see an amendment to the act?

**Hon. Mr. Starr:** We've discussed that suggestion and I'm sure Mr. Weiler has that uppermost in his mind.

**Mr. Haggerty:** Your summary, on page 18, says, "The idea of escalating pension benefits to offset increases in living costs is generally accepted." I take that comment to mean that maybe the board is looking in this direction. Shall we see any changes in the Workmen's Compensation Act in this particular area? Should I direct that question to the minister.

**Hon. Mr. Elgie:** As you know, Professor Paul Weiler is studying recommendations on certain aspects of the Workmen's Compensation Board—structure, function, philosophy, and a wide variety of other matters.

**Mr. Haggerty:** It's been studied to death for the last 10 years.

**Hon. Mr. Elgie:** Well, you say that. I anticipate an interim report in the fall, with certain recommendations. I have no idea what they'll be, but the matters you're discussing will be matters I anticipate recommendations about. I think it would be inappropriate for the chairman or for me, in the face of a consultant who, I think, in all honesty, seems to have been well received by all parties and most segments of the community, to try to

prejudge what he is going to say. He's a pretty independent guy; he knows the matters that have been assigned to him to review and the one you refer to is one of them. I await his recommendations, as I'm sure you do.

**Mr. Haggerty:** It's pretty hard to wait until next fall or next December for it. I was just wondering if there isn't any way to speed it up.

**Hon. Mr. Elgie:** What would you recommend.

**Mr. Haggerty:** You do have some suggestions in here, some conclusions, and I interpret this to mean there's no reason it should not be indexed.

**Hon. Mr. Elgie:** One of the pieces of material he'll be receiving will be that document that was tabled. You will recall when I tabled it in December I suggested at that time the possibility of a committee to study the report. Subsequently, it seemed to me there was a variety of other matters that required review and the matters listed in the tabled report were just some of those issues; I think most people agree with that.

All I can tell you is that I think it would be inappropriate—and I don't say that as a delaying tactic because frankly, as you know, we have already introduced amendments last December which will carry us for a significant period of time—to make any amendments at this time that might have to be revised when we have a broader review of the subject coming up. I am sure if you think about it you will agree with that.

**Mr. Haggerty:** So we can look to some time in the late fall for amendments to the act itself?

**Hon. Mr. Elgie:** We're looking to late fall for an interim report and I would anticipate some amendments as a result of that report.

**Mr. M. Davidson:** On a point of order, Mr. Chairman, if I may. With all due respect to the minister, I'm hoping that for the next 12½ hours we're not going to hear every time we raise an issue that we're going to sit back and wait for Professor Weiler's report.

There are things we should be raising here that have been raised for many years. It is certainly not just a question of them suddenly being brought before the board or the minister. Questions such as Mr. Haggerty has been raising have been an issue for quite some time. If that's all we're going to have thrown at us, that we're going to sit back and wait for Weiler to report, I don't know why we're here. Why don't we just dump everything in Weiler's lap and tell him to report and then we'll sit down and talk?

8:20 p.m.

**Hon. Mr. Elgie:** I would remind you that the reason we're here is because you introduced an amendment at the beginning of the hearing which indicated why we're here. Item 1, main administration, are we on that now?

**Mr. M. Davidson:** Yes we are.

**Hon. Mr. Elgie:** Item 2, claims; item 3, applications; item 4, appeals; item 5, rehabilitation; item 6, vocational rehabilitation; item 7, benefits; and item 8, investments.

**Mr. M. Davidson:** I understand that.

**Hon. Mr. Elgie:** I think we have a wide variety of topics to cover.

**Mr. M. Davidson:** Hopefully we're going to get some answers other than those we can read in Professor Weiler's report.

**Hon. Mr. Elgie:** What would you have in mind for someone to report on? Are they matters that have already been dealt with or matters that he is considering to make recommendations about so they can be dealt with in the light of a comprehensive review?

**Mr. M. Davidson:** If I may say, under the point of order, Mr. Chairman, if the purpose of what we are doing here today is to make Professor Weiler aware of the difficulties either we or other people in the province perceive within the Workmen's Compensation Board, then I would suggest Professor Weiler should be here listening to this and he should open up public hearings so everyone involved who would like to make presentations to him would be able to do so.

**Hon. Mr. Elgie:** I would just ask you if you know of anyone who would like to make a presentation to Professor Weiler, who has been denied the opportunity?

**Mr. M. Davidson:** I can assure you I know a great number of people who would like to.

**Hon. Mr. Elgie:** Would you give those names to me or my secretary or my office? He's seeing everybody who indicates an interest in reviewing the problem with him.

**Mr. M. Davidson:** That's certainly not a public hearing.

**Mr. Laughren:** Do you call that public hearings?

**Hon. Mr. Elgie:** It depends on whether you think an industrial inquiry is a public hearing. That's exactly the way the majority of inquiries are conducted. It depends really on whether you're looking for something constructive.

**Mr. M. Davidson:** Yes, we are, most certainly we are.

**Hon. Mr. Elgie:** That's what I'm looking for. Let me tell you Professor Weiler met with Mr. Davidson and with Mr. Lawlor, discussed what he planned to do, and I understand that was met with approval.

**Mr. M. Davidson:** That was not the case.

**Hon. Mr. Elgie:** If that's not so, then I suggest they meet with him again, because I have to tell you, my friend, that you're on a sticky wicket there. There is no guy who is more open and more independent of thought than the gentleman conducting this inquiry.

**Mr. Laughren:** I didn't say he wasn't.

**Hon. Mr. Elgie:** I'm telling you if your representatives, Mr. Davidson and Mr. Lawlor, didn't get their message across to him then they better meet with him again.

**Mr. M. Davidson:** I most certainly will, if that's the case.

**Hon. Mr. Elgie:** What do you mean? That's what we're talking about. We're talking about whether or not these meetings—

**Mr. Laughren:** A meeting with our two colleagues isn't the equivalent of having public meetings.

**Hon. Mr. Elgie:** I'm sorry, Mr. Haggerty, you had a good point there and I wanted to answer it.

**Mr. Chairman:** We've got to keep this in order. The minister is not finished.

**Mr. Di Santo:** I would like to speak on the point of order.

**Mr. Martel:** May I just speak to that particular point for a moment? I think what we're suggesting, and I say this to the minister, is we want an assurance that Professor Weiler is prepared to meet with people if they contact him. I raise the question with you, though, that if an injured worker in Sudbury wants to make a presentation to Weiler, that injured worker has no way of doing it under the present setup, unless he is prepared to find the money to come to Toronto to make the appointment to see Weiler.

What we're suggesting is that he do as our committee did, because you can cover a fairly large portion of the province if you select your cities carefully. This will bring into range the vast majority of the people in the province who might want to talk to Professor Weiler. I think what we're asking is that he choose seven or eight areas, and advertise in advance that he is going to come, that he will make appointments, and he will sit and talk to them and hear their points of view, whether it be individuals, groups of workers or union representatives.



We ask that he make himself available to them by travelling.

If one considers, for example, an injured worker trying to come in from Thunder Bay, the return flight is \$196, apart from any additional expense, and no injured worker can afford to do that.

If unions from the Thunder Bay area want to meet with Professor Weiler and it involves two or three members from a particular union, the cost to that union becomes very high. It would seem to me to be much more advantageous for Weiler to travel. I am not criticizing his attitude or his—

**Hon. Mr. Elgie:** His approach.

**Mr. Martel:** His approach, what I am questioning is his accessibility to people in the province. We think it has to be given a broader perspective than is envisaged if he stays right in Toronto, because you are limited primarily to the Golden Horseshoe.

The same can apply to Windsor. If people have to come in from Windsor, the cost is pretty high. We think what should be done is that he move out of Toronto on an organized basis, spend a day or two in selected communities and invite people who want to prepare a brief and present it to him to do that. Other than that it becomes restricted to people within the Golden Horseshoe.

I think we would much prefer to see if the minister could encourage Professor Weiler to do that and announce to the House that is what would transpire over the next three or four months. That is not questioning his integrity; that is not questioning anything.

**Hon. Mr. Elgie:** We will be going beyond that, let me tell you. In all honesty, and I've talked about this, I appreciate that you have raised it. I think it was about two weeks ago I was informed by Professor Weiler that he wrote to Mr. Patterson, the president of the steelworkers local in Sudbury, to talk about a convenient time to come to Sudbury, so he does have plans to go to Sudbury.

In the conversation I had with him, because I phoned him about this specific issue, he indicated he is also giving consideration, in the light of the interest shown, to going to Thunder Bay. He indicated he is prepared to go to any other community where there is an interest in the issue. Let me tell you, we are involved with a guy who is interested in getting to root and base problems.

**Mr. Martel:** All I am suggesting, Mr. Minister, is that when he is out, if he is going to go to Sudbury it seems important that he indicate to the community that he is coming. For example, the last time the Ombudsman

was in Sudbury, I believe a third of his representations were from injured workers. Out of 60 cases, I believe 19 were workmen's compensation cases.

What I am saying is, if he goes unannounced—let's say, for example, he writes to Dave Patterson and he writes to the Mine, Mill, and Smelterworkers and he sits down and meets both those groups; unless the rest of the community is aware he is coming they can't make preparations to meet with him. We might do it via a little publicity two weeks ahead of time saying, "If you want to make an appearance before Professor Weiler when he is here, this is the number you contact and you will be given an appointment," and they could come in.

We should do it on a systematic and organized basis, otherwise a lot of people who want to speak to him won't have the opportunity. I think it is important, by the way, that he sees some workers and indicates the sort of problems we talked about last evening, and without that, it won't occur.

**Hon. Mr. Elgie:** You won't find any argument from me about that, Elie. I am just sorry that in the initial interview with Mr. Davidson and with Pat Lawlor—

**Mr. M. Davidson:** We raised the issue of public appearances.

**Hon. Mr. Elgie:** —the issue of travelling and meeting with groups in response to a notice in the paper may not have been raised. I suggest to you that if you want to do it you can tell him this yourself, because he is very open to suggestions. If you don't want to do it I will be glad to do it, because the terms of reference don't curtail him in any way in that regard. I assure you, and I don't think I need to do it more than once, that I am not curtailing him in any way.

**Mr. J. A. Taylor:** On this matter, Mr. Chairman, possibly the minister can see that Professor Weiler gets the transcript of this discussion, and it might assist him in discharging his mandate.

**Hon. Mr. Elgie:** Good idea. I think he has to know what people are saying, and I think I am saying what you all feel; when we have somebody of this calibre with this kind of recognition about his ability, there shouldn't be anything that taints the study. We should all want it to be the most effective study it can be. I am sure we have to take his views into account in determining the most effective way. He is an individual who is very receptive to reasonable suggestions.

8:30 p.m.

**Mr. Martel:** Might I raise one other point on this? It is my understanding the administrative and research work that Professor Weiler is going to have to assist him will be performed by staff of the Ministry of Labour. That is like putting Dracula in charge of the blood bank. Could the minister find somewhere in his budget some money with which to provide what we perceive to be independent assistance to Professor Weiler?

We are not questioning the integrity of your staff for a moment, but I think that could haunt us. People could become suspicious and say he received a slanted point of view. I would think it is imperative, Mr. Minister, I don't know what type of funding arrangement you have with Professor Weiler, but I always have a concern, partly because the ministry is involved with the board. If we are going to do a major study, and certainly that is what Professor Weiler is doing—he is going to make recommendations—it should appear to be totally objective and totally independent. I am not being critical of anyone.

I am asking the minister if he could indicate whether there are funds available for Professor Weiler to do that, rather than to draw on the staff of the Ministry of Labour, so that down the road we don't get the scuttle-butt back, "Listen, the materials presented were kind of slanted," or something to that effect. Again, that is casting no aspersions on Professor Weiler.

**Hon. Mr. Elgie:** If I can speak on behalf of those in charge of the blood bank, you will be interested to know, Elie—and a simple call would solve it for you—he does have a fairly extensive budget. The services he receives from the ministry consist of an office and someone arranging his appointments and a secretary to type whatever material he wants typed. Any consultations in terms of particular reviews of problems that he wants by outside people are being carried on by outside people, not by anybody in the ministry.

**Mr. Martel:** I have a letter that says—

**Hon. Mr. Elgie:** My friend, I have asked my staff who is doing what and I have spoken to Professor Weiler. He has told me the various people who are being contemplated with regard to assessment of particular aspects of the problem.

**Mr. Martel:** This is signed "per Paul C. Weiler" by somebody with the initials "DM." It says, "Our expectation is that much of the administrative and research work which I will need to have done will be performed by staff of the Ministry of Labour." Again,

Mr. Minister, I could make a couple of suggestions about whom he might hire.

**Hon. Mr. Elgie:** Let me tell you first of all that I have made an inquiry, because you were good enough to tell me about it.

**Mr. Martel:** Yes, but there is the letter.

**Hon. Mr. Elgie:** I have spoken to Jill Bell, the executive assistant to Mr. Armstrong, the deputy, who is arranging the appointments, and she has told me the only services being provided to him are the ones I have mentioned. I have spoken to Professor Weiler and he has indicated to me that, of the various aspects he is having reviewed, none of it is being done in the ministry.

Whether in the future he might ask some people in the research department to tabulate some data, I don't know. I am sure he is asking the board to tabulate some data for him. He would be crazy if he didn't, because that is the only source for the data.

**Mr. Martel:** That is even worse than having Dracula in charge of the blood bank!

**Hon. Mr. Elgie:** Come on now, pull on your trousers and do up your zipper. I don't think that is what that letter implies. That letter doesn't say that.

**Mr. Martel:** I am quoting it directly.

**Hon. Mr. Elgie:** I know, but you told me this and in response I contacted Professor Weiler. I don't know what that means, quite frankly, but there is no research and nothing going on in the Ministry of Labour. The only services are those I have outlined. I specifically asked, "Do you intend at the moment to have any other projects going on?" and he said, "Not that I can think of now." Goodness gracious, I will give you his phone number.

**Mr. Martel:** I intend to contact him.

**Hon. Mr. Elgie:** You can sit down and say, "What's going on?" That's what it's all about.

**Mr. Martel:** I intend to do that. But the buck stops with the minister, and that's why I brought it here.

**Hon. Mr. Elgie:** I am not objecting to you bringing it here. It's the ideal place.

**Mr. Martel:** That's why I brought it out.

**Mr. J. A. Taylor:** He can read about it in the transcript, Mr. Chairman. This was on a point of order and Mr. Haggerty was speaking and he always has something meaningful to say. Why don't we get back to the discussion?

**Mr. M. Davidson:** I believe, Mr. Chairman, Mr. Haggerty has the floor.

**Mr. Haggerty:** I want to make reference to the chairman of the board as to what he said



about the proposed guidelines and the adjudication of claims for cancer in industry related to asbestos exposure and nickel exposure. I was wondering if there had been some consideration of making changes in the criteria, for example, relating to duration of exposure. There is an accumulated minimum of 15 years' exposure to nickel aerosols as defined in subsection 2(1), an accumulated minimum of 10 years' proven exposure to asbestos as defined in subsection 2(2), and a combination of nickel and asbestos with an accumulative minimum of 7.5 years. The inception period for nickel exposure is a minimum of 20 years from the commencement of the first hazardous exposure.

How can the board arrive at guidelines like this when there are studies being carried on in both areas of the industry, asbestos and particularly nickel, in Ontario? I know there are studies being done by the occupational health sector of the Ministry of Labour. Making reference to the Ontario Cancer Treatment and Research Foundation annual report for the year ending March 31, 1979, I note here in the comments that since 1940 the increase in male cancer death rate can be attributed to a fourteenfold increase in lung cancer. That's a substantial increase and surely some of it can be related to occupational health.

The question is, has the board given any consideration to changing that, perhaps lowering the criteria of 20 years' and 15 years' exposure? From my experience in appeals to the board, people who have worked in certain parts of the nickel industry, who have been subjected to certain toxic compounds over a period of five years, have later come down with cancer of the larynx or lungs, or even respiratory disease perhaps related to emphysema. Have you considered changing the criteria?

Hon. Mr. Starr: The board has not. It has not been brought as a recommendation for our consideration but I am not qualified to answer in detail.

Mr. Haggerty: How did you arrive at such numbers?

Hon. Mr. Starr: They are based on the recommendations of our medical people. Dr. McCracken is the person who can readily go into great detail to explain to you the reasons or what you are suggesting not having been one or otherwise.

Mr. Haggerty: Has he got sound facts to back up what is here?

Hon. Mr. Starr: I am sure he has. If you give him the opportunity he is prepared to do so right now.

Mr. Haggerty: You are on.

Dr. McCracken: Mr. Haggerty, was your question about laryngeal carcinoma?

Mr. Haggerty: Yes that's right.

8:40 p.m.

Dr. McCracken: Where we stand on laryngeal carcinoma is we developed the guidelines approximately one year ago, or slightly longer than that, as you are aware; it was based upon the case control study that we commissioned from Dr. Miller of the Canadian Cancer Society. Dr. Miller, in a one-year study, developed data indicating that there was increased incidence of laryngeal carcinoma in those persons who had specific exposure to nickel aerosols and to asbestos. On the basis of that information, plus three pieces in world literature—there is very little in world literature to date on laryngeal carcinoma—we were able to develop the necessary guidelines. The guidelines, based on Dr. Miller's recommendations, indicate that indeed these latency periods and these exposure periods were as correct from a scientific standpoint as could be arrived at at the present time.

The report that I made to the corporate board in conjunction with Mr. Kerr of the claims services division was that we should accept the data we had at that time. We recommended to the board that the guidelines for laryngeal carcinoma be adopted and implemented, and indeed they were. But at the same time we alerted the board that the jury was still out, in that Dr. Miller was not satisfied with the results of the one-year study, and with independent funding from the National Cancer Institute, he wished to continue the study into the second year.

The second year has now been completed and this will be the most significant scientific study in the world to date. I was talking to Dr. Miller a few days ago and he told me they were in the process of analysing the data at the present time, but he expected the report would be available in the next one to three months. It was the best estimate he could give me. I asked if he could give me any information as to whether there would be any change from our present guidelines on the basis of the study. He said he was not prepared to tell me that at the present time.

I could get no inkling from him as to whether a recommendation would be made that the exposure interval or the latency interval from the time of first exposure to the development of the disease might be changed; nor could I get any information from him as to whether we had made a mistake. Indeed, the study would now show there is no rela-



tionship whatsoever. It is a totally wide open field in that area at present.

**Mr. Haggerty:** Is this Dr. Miller working in conjunction with the occupational health sector of the ministry?

**Dr. McCracken:** No, he is not. He is a totally independent researcher, and from my knowledge, the Ministry of Labour, occupational health and safety division, has had no input into this study whatsoever; further to my knowledge, I am not aware of any studies it is doing independently.

**Mr. Haggerty:** I understand the occupational health and safety division is making some plant studies now. They are doing tests on employees in industry. I do not know if that has been finalized or not. I met with them, along with Local 6200, and I believe there was a chap from Sudbury with us that day. We discussed a number of claims with the Workmen's Compensation Board. Some have been accepted. Others have not been accepted and the employees still work in the same industry, in the same environment. It is pretty hard to follow the reasoning behind the board's arriving at some of these decisions as to who should be awarded claims and who should not. I do not want to go through the list here. It would take me all night to go through them. There are about five pages of names. There are about 15 or 20 names on each page.

It is just hard to follow the reasoning of the board. Some claims have been awarded and others in the same working environment have not been able to establish a claim. We hoped that if we went to the occupational health and safety division of the Ministry of Labour we would get some input and perhaps some further studies of the areas of occupation of each individual employee, and then proceed to the Workmen's Compensation Board for a final decision. But we are encountering some snags at the present time. I thought perhaps we would have some new criteria set down as to the number of years that a person would be accepted in the exposure area.

However, we can expect this report in at the same time as Professor Weiler's report. That will be interesting.

**Dr. McCracken:** We do have guidelines that the corporate board has approved, as you are aware, and those guidelines are the ones, to which you are referring.

**Mr. Haggerty:** That's right.

**Dr. McCracken:** They are effective as of May 1978, according to the date on the guidelines here. The guidelines are as fol-

lows: duration of exposure: an accumulative minimum of 15 years' exposure to nickel aerosols; asbestos: an accumulative period of 10 years' proven exposure; and a combination: an accumulative minimum of 7.5 The latency period, from the time of first exposure until the development or diagnosis of disease is: for nickel, 20 years; asbestos, 20 years; and a combination, 15. Those guidelines, from a scientific standpoint, still stand until we develop new data.

The studies to which you were referring, relating to the occupational health and safety division, are I believe two separate studies. One study—and I can be corrected on this—is a study wherein the occupational health and safety division is developing a cohort where identifying asbestos workers. The other study is one that has been commissioned by the joint Inco-Steelworkers union safety and health committee, and has been allocated to McMaster University, to Professor David Muir, where he is developing a cohort.

What they intend to do with both these cohorts when they are ready—and I do not know when they will be ready—is to get the necessary clearance and to go to Mr. Sellens, the chief statistician of Statistics Canada, to have him marry their file to the death record file maintained by StatsCan. From that, they will determine how many members of these cohort groups have died and what they have died from—not just cancer, but any cause of death, automobile accidents, cardiac disease or whatever.

Following that, they will carry out an analysis and make a determination from these two groups as to whether the number of people who have died from specific diseases matches what is expected. If they match, then the conclusion will be that there is no risk identified. If they do not match a second look will be required to attempt to define if there is a risk and what the magnitude is. Then they will mount the necessary studies to try to identify what the risk is, because, as you can appreciate, matching these to StatsCan death certificate really does not tell you what the agent might be.

**Mr. Haggerty:** That sounds like it is going to be an interesting and lengthy discussion period. You are looking at maybe a year or two years?

**Dr. McCracken:** I cannot speak for those two studies I mentioned, because I have no input into them, but as to the case control study that Dr. Miller is doing via the Canadian Cancer Institute, he has told me he hopes he will have the analysis carried out

within the next two to three months. He states that he feels the data will be well worth while. Beyond that, he intends to develop a manuscript and publish it in a reputable scientific journal with peer review, which is absolutely imperative so far as I am concerned. Following that, of course, it is a totally public document, as it should be.

**Mr. Haggerty:** As chief medical officer of the Workmen's Compensation Board, have you seen that document put forward by Local 6200, Mr. Peter Kovacich?

**Dr. McCracken:** No, I haven't.

**Mr. Haggerty:** There is a list of claims there, workmen's compensation claims which have been accepted and a number of them that have not been accepted. I just cannot understand the criteria that the board sets in establishing some and denying others.

**Dr. McCracken:** If the list was to be submitted to my attention, we would analyse it.

**Mr. Haggerty:** I will see that you get it immediately.

**Dr. McCracken:** The thing we have found in prior lists is that we have no control as to the cases that go into a list. In some of the prior lists we have received, on analysis we found that some of the cases are not even cases of cancer, but are other items.

**Mr. Haggerty:** Those are all the questions I have.

8:50 p.m.

**Mr. Laughren:** Mr. Chairman, I wanted to talk to the minister and the chairman about a problem which is based on the overall policy of the board, or, indeed, the structure of the board itself and the policies of the government, and that is the problem of people who fall between the stools in our system. I won't get into dredging up a whole series of files for you, but believe me they're there, and very often it is a reoccurrence of an injury.

They go to the doctor and the doctor sends a report. They report the claim. The employer sends in the report and the board says, "We are going to have to investigate this claim because we are not sure it is the reoccurrence." The worker is told: "You just sit and wait now. Don't worry, we will investigate this claim." In all probability when the first launched the claim he wasn't told this. He launched a claim and there was no communication.

He launches the claim, he waits a decent interval of time—two or three weeks—then he gets a little concerned and he says to the board: "Where is my money? The doctor tells me he has sent the report in. The em-

ployer says he has sent the report in. I haven't got any money." The board says to the fellow: "We are going to have to investigate your claim. We have to investigate it." The worker asks, "How long will that be?" and he's told "Oh, well, it takes a month."

The injured worker has already been close to a month without income and he is told that he is going to have to wait another month. So he says to himself, "I guess I had better go to the union," if he is fortunate and is represented by a union to negotiate his sickness and accident insurance, or he may have his own sickness and accident insurance. He makes application to them to pay him in the interim. Then the sickness and accident people say: "We can't help you. It is a job-related injury. We can't help you." So the fellow says: "Wait a minute, there is something wrong here. The compensation board says it won't help me because it is not sure it is work related; the sickness and accident insurance people say they won't help me because it must be job related, since I have already filed a claim with the board."

I could give you an example. Mr. Desbois from Levack has already been out about two months, and he was told yesterday by the compensation board office in Sudbury that it might still be a couple of months before his claim investigation is completed. What an outrageous system. I don't want to dwell on an individual constituency problem, but I want to tell you that is a very serious problem out there, and it is greater than you think it is because there are a lot of reoccurrences. Your people will admit that reoccurrences cause a lot of problems, often more than original injuries cause.

I will put to you that this will always be a problem as long as you think you can have a compensation system in this province that says if you get hurt on the job it is an entirely different matter than if you get hurt on the highway or at home. As long as you say that, you are putting the onus on the worker to prove the injury happened on the job; and as long as you do that, you are going to have people falling between the stools.

The only way to resolve it, as the chairman of the compensation board knows since he was a member of the commission which led to his job, and I believe endorsed the view—although he may not want to admit it right now; or maybe now he would—that the WCB should be abolished.

**Hon. Mr. Starr:** I didn't say that. I said it should encompass these things, and we foresaw in the years ahead that it would encompass the 24 hour a day situation.

Mr. Laughren: Yes. There are several ways of putting it, but basically what I am saying to you—

Hon. Mr. Starr: The compensation board will administer it.

Mr. Laughren: I don't care how you describe that.

Hon. Mr. Elgie: You boil it down and you come out with the same bones.

Mr. Laughren: The point is you cannot have a just compensation system as long as you have a Workmen's Compensation Board separate from other forms of accident and sickness. It is not possible. What I say to you is that you really must work towards abolishing the board.

Think about it for a moment. There are three ingredients that are important: One is accident prevention, two is income maintenance and three is rehabilitation. Surely we would all agree on those goals of any compensation system. I don't know how you could have those things co-ordinated under the present system. I don't believe you can have a good compensation system as long as you establish different classes of injury and sickness. That is what you are doing and it puts a maximum amount of stress on people who are injured.

My colleague's report presented during the opening evening of these hearings was a good example of the kind of stress that occurs to people. I really urge the minister to think seriously about that. I don't know whether Professor Weiler's mandate would include that, but I hope it does.

Secondly, there is to be this summer a sitting of the Ontario select committee on company law, which is looking at sickness and accident insurance. What bothers me is there is virtually no support, there is no support in the government, for taking a serious look at an alternative system. It is always slapping on another Band-Aid to try to solve the problem. You can't solve the problem that way. The problem is too serious. It is not as though there are not models around. The chairman knows of the model that is in place in New Zealand. Saskatchewan is seriously looking at such a model. I believe they have completed the costing of it now, but I am not absolutely certain of that. Before the government changed in Manitoba they were seriously considering it.

Every Minister of Labour to whom I have mentioned this scheme since I have been elected expressed interest, as does the chairman. The chairman expresses great interest in this, but then something happens. I don't

want to malign the minister but I don't know if it is the London lobby that descends upon them or not.

Mr. Van Horne: Be careful.

Mr. Laughren: Is it the London insurance lobby that descends upon the Ministers of Labour, one after another?

Hon. Mr. Elgie: London North.

Mr. Laughren: No, it is not that member who would descend upon you. It is a much more powerful lobby than any member of the Legislature could muster.

Mr. Van Horne: That's almost slanderous.

Mr. Laughren: All right, then, let me suggest to you that you make noises that you are going to abolish the board and establish a comprehensive social insurance system and just see how quickly the lobby appears on your doorsteps. It certainly will. Each succeeding Minister of Labour, as I say, expressed an interest and then did absolutely nothing about any serious look at the scheme. I am talking in absolute terms now. I don't know of any Minister of Labour who has even looked at it seriously. They make all the clucking, sympathetic noises during these debates or in the debates of the Ministry of Labour estimates, but that is where it begins and that is where it ends.

I would ask the Minister of Labour to take a serious look at this for a change. If Professor Weiler does not take a serious look at it, let the Minister of Labour do it. I feel very strongly that you are not going to be able to co-ordinate the kind of prevention that would include prevention of accidents on the roads, in the home and on the job, and then to build in a sane and humane income maintenance system, as well as a rehabilitation system, as long as you have this phoney distinction between where injuries occur.

Surely there should be compensation regardless of cause and irrespective of fault. That is the kind of scheme which we should be working towards. I would hope the minister would seriously consider that. It is not as though employers in the province wouldn't continue to pay their share. Of course they would, but the argument as to whether it occurs on the job or in the home would occur among bureaucrats within the scheme, not on the injured worker whose problems are compounded by the stress of having the onus put on him or her to prove where the accident occurred. The onus then would be put on bureaucrats within the system to sort out where the injury occurred and who should be assessed, whether it should be assessed against the cost of the person's driving licence



or whether it should be assessed against the part of the scheme that covers accidents in the home. It could be a premium or it could be through general revenue.

9 p.m.

I would ask the minister not to let it lie as other ministers before him have done. I understand if the minister says, "I want to wait and see what Professor Weiler is going to do," but I think the minister's endorsement of such a study might go some way to encourage Professor Weiler to take a serious look at it as well.

At this point, I am not heartened by the minister's performance as Minister of Labour and what he has done with the board. The minister has the demeanour of a reformer, the mind of an engineer and the heart of a reactionary. It seems to me, in the gigantic struggle that occurs within him, his heart wins. I hope when you pass on you leave a sizeable contribution to the Heart Fund, because that is who is winning in that struggle within you.

**Hon. Mr. Elgie:** I'm running a blood bank now. Do I have a volunteer? I can think of a couple of patients who need a new heart right now. I don't know if yours would be accepted, but it's worth the offer, my friend.

**Mr. Wildman:** He would suffer from rejection.

**Hon. Mr. Elgie:** He is rejected by everybody I know of.

**Mr. M. Davidson:** That's not true.

**Mr. J. A. Taylor:** Mr. Laughren is getting personal.

**Mr. Laughren:** Yes, that's true and I'm just starting.

**Hon. Mr. Elgie:** He is just angry because my dog bit him, that's all.

**Mr. J. A. Taylor:** Did your dog have bad teeth?

**Hon. Mr. Elgie:** Not before.

**Mr. Laughren:** I want you to understand that despite all this concern expressed we have not seen an improvement in the way in which the compensation board treats injured workers. That is still an inhumane system. I know all the noises you make, but I look at the board and I don't see a reformer in the group as they sit there in their \$300 suits and their Gucci loafers. There are no reformers there. Nobody on the board really wants to change the system, and I am not getting personal.

Look at the term they use for what they call the head office—the corporate board. I ask you, what do you expect? You expect a

system down there that looks at injured workers in a humane way? I am not being unfair. The injured workers in this province have been classified as a separate kind of worker; namely, injured workers. I would like to have the minister explain to us how he justifies any injured worker receiving less money as the result of an injury on the job and how he puts that together with the work ethic he and his party are forever extolling.

I would like to know if you really think it is right when these workers cannot get satisfaction from the board and cannot get satisfaction from the sickness and accident program. Do you think it is right that workers fall in between the stools like that? I suspect the minister will say no, but I don't know what he will do about it. He won't do anything about it.

The board won't even give an assignment to these injured workers that, in case it goes against the worker, the money is paid back. That is not done either. The board won't do that. The board says, "Boy, we appreciate the problem." I have talked to them about it on more than one occasion and they say, "Yes, we are concerned, but there is nothing we can do about it." Your concern is filtering through to the board, but no action.

I feel frustrated when I talk to workers who have to cope with this incredible bureaucracy. You are the political party supposedly against bureaucracy, yet you have created one and you won't do anything to get rid of it. The only way to get rid of it is to abolish the board and set up the scheme I am talking about. I would urge the minister to recommend to Professor Weiler that he give serious consideration to such a study, and if Professor Weiler doesn't do it, to launch the proper study himself through his ministry to see what is possible.

I will give someone else a chance to speak, but I am telling you, I don't like what is happening with the board. I don't think the minister has made the changes a lot of people expected he would make with the board. I haven't seen them. The one change that has been made—and it was made, if I may be so immodest, as the result of certain recommendations made by this party, rather than flowing from any determination of the board to make it better—was the decentralization process which is being experimented with now. That was resisted mightily by the board for years and years. We bugged and bugged and finally it is there.

Can you imagine having to drag the board kicking and screaming into such a modest reform as decentralization? Yet that is what it takes; just a little change like that. I can

imagine what it will take to get them to abolish themselves. The minister is going to have to move in and deal with the board with a much heavier hand. I would appreciate if the minister would give us some indication that he will seriously look at such a scheme.

**Hon. Mr. Elgie:** The terms of reference are broad enough, as I am sure you know having read them, to encompass that concept. I believe that is an area we will be reviewing.

**Mr. M. Davidson:** Mr. Chairman, I don't know how one has anything left to say once Mr. Martel and Mr. Laughren are finished. But I shall make an attempt.

I think most of you who were here the other evening heard the leadoff by Mr. Martel, a very comprehensive study of 20 cases involving injured workers in this province. We have again heard both Mr. Martel and Mr. Laughren outline certain things we believe as a party must be implemented in this province.

There are still several questions I have relating to Professor Weiler and it goes beyond the public hearings that we as a party would like to see held throughout this province. We are concerned that any reports Weiler may hand down will not simply become the property of the minister or the Workmen's Compensation Board, but will be made public immediately upon their release. Elie has mentioned the use of ministry staff. We look upon that as something that should not be done. If Professor Weiler is as independent as you have suggested here tonight he is, then we are of the belief that he should have an independent staff and work towards the goal that we seem to feel is the betterment of the injured workers in Ontario.

There are several things I would like to raise, however, regarding the board and several other questions. One was raised by a colleague of mine who is no longer here. But it goes back to an accident in 1958, a nuclear accident at the NRU plant where the Atomic Energy of Canada Limited people were involved, some 1,100 people. Seven hundred were AECL, 400 the Armed Forces. The question that Evelyn Gigantes would like me to raise is: Who is actually responsible for compensation of these people if somewhere down the road they do contact a disease from being involved in that clean-up? Apparently she has raised two or three cases and has been told the federal government is responsible. I would like a more clearly defined answer on that.

I have another question, and I have to be very blunt about this. I don't give a

damn who is here in the room. It would appear to me that some of the investigating staff working for the WCB are not doing a very thorough job of investigating certain cases. I have had several of my colleagues come to me complaining about the type of investigation that was carried out.

As a matter of fact we won a case before an appeal adjudicator simply by having an investigator go back and do the job that should have been carried out in the first place. This is happening quite often, and I would like to know why it is happening. Why is the type of investigation required in the first place not done in the first place? Why does it have to go through an appeal process when you would not have had to do so if the original investigation had been carried out properly?

9:10 p.m.

My friend Mr. Laughren spoke to you about the comprehensive insurance program that he and this party have advocated now for a good number of years, and which they have brought before both the ministry and this board on numerous occasions. It is not necessary for him to define it much more clearly, because I think if you go back at least the five years I have been here, it has been on record every year as to what it is that we as a party would like to see take place. I think Mr. Laughren himself would agree that probably one of the better examples it could be modelled after would be the New Zealand experience, not necessarily in its totality but as a model which one could use as something from which you could have a beginning.

It has been brought to my attention that it may be brought up during the course of these hearings that the board should be abolished and placed in the hands of the private insurance companies. Let me assure you I do not know who it is who might do that, but that would be the worst mistake that could ever happen in Ontario in dealing with injured workers.

**Mr. Laughren:** They would move it to London.

**Mr. M. Davidson:** One need only look at the background and history of private insurance companies in dealing with almost any matter to be almost assured that the injured worker in this province would be far worse off. I say that not with respect but they would be far worse off than they are under the present system. These are some of the things that I would like to talk about.

I would also like to talk about a number of other things, and we will raise them as we come to them during the outline that we passed the other day. I would like to say to the chairman, I read the report of the board. I read the remarks that he made during his presentation. My assistant and I—and this is my assistant behind me—have gone through the supplementary report, along with my colleague, the member for Bellwoods (Mr. McClellan). We have a few questions about the figures that appear in those reports. I have had some discussions with employees of the board—not to mention any names of course because I do not want to get them into trouble—and some of the statistics they give me are a little bit different from what I happened to see in the board's report.

I am just wondering, how accurate are the statistics that appear in the reports that are given to us on a yearly basis? I am also given to understand that within the board itself there are hiring freezes in effect in certain sections. I would like to know if it is true, for example, that in rehabilitation there is a freeze on staff—if in fact there is a situation now in effect wherein the staff or the counsellors are probably working at a ratio of 74 to 80 cases, when the actual ratio allowing them to do a proper job is somewhere between 40 and 50?

These are the kinds of questions that the staff is bringing to me. These are the kinds of questions we are hearing about. They are the concerns of the staff of the board. In talking to them I find the morale of the staff is relatively low; it is not at the level it should be if, in fact, they are going to go out and do a proper job. In some cases they feel the work load is too great for them to do the type of job they are supposed to be doing on behalf of injured workers in the province. The question was put to me, "How do you work in a situation in which you have 74 to 80 cases, and in order to do a proper job you should have only between 40 and 50 cases assigned to you?"

I question some of the rehabilitation figures. I question them in this sense: we talked about the number of jobs that have been found for injured workers in the province. I do not call delivering pizzas, for God's sake, a job to which you would rehabilitate someone. I think you have to do a better job than that. I have a 15-year-old kid who delivers pizzas, for God's sake. That is his first step in life. Surely to God you do not expect somebody to end up delivering pizzas as their last step in life?

The reality of life is, you go out and bang on doors to meet a quota. That is exactly the

way it was put to me by some of the staff who have to go out and do that. It is a quota system and unless you come up with so many jobs in a given month you are on the block, so they will find any kind of job they can just to say they have met their quota. I do not think that is the way we should be running either the board or the departments within the board.

If we are going to do a decent job on behalf of injured workers in this province then, damn it all, we had better get out there and do it. We had better not be putting people into jobs so that we can meet a quota and put a statistic in a book that somehow or other is supposedly going to influence us; it doesn't influence us at all.

We can read it but we can also go out and ask questions, meet with the people who are actually involved on both sides—those who are trying to find the work and those who are out there trying to find a job in order to get back into the work force.

There is a theory on the part of some people in the board that injured workers in some cases don't want to work. That's a pile of crap. Injured workers want to get back into the work force as much as anybody else out there. It is like saying the unemployed don't want to work; yet with 27,000 people laid off in Windsor, are you going to tell me they don't want to work?

We don't work hard enough in trying to rehabilitate these people. We don't work hard enough in getting them back on their feet. The report that was brought out by Mr. Martel was very indicative of that. We have failed somewhere, not only you as a board but we as members of the Legislature, in putting together the kind of program that is necessary to get the injured workers in Ontario back on their feet, back into the work force so that they can regain a little pride in themselves and from their families and get the other things that are necessary to persons trying to make their way through life.

It is not easy when you are an injured person; not easy at all. Maybe none of us has ever had to sit and face that. Maybe none of us has ever had to recognize that. We don't all wear the \$300 suits and the Gucci shoes—I don't know whether you do or whether you don't and I'm not going to ask you, for God's sake; maybe your suit is the same as mine; \$1.95 off the rack at the Salvation Army if you have to, but what difference does it make?

Hon. Mr. Elgie: It looks like it.



**Mr. M. Davidson:** My God, the fact you put a \$300 suit on your back doesn't make you any better than the guy who slugs it out in the pits or the cotton mills ore anywhere else in this bloody world. It's time you started to give them some consideration instead of just looking at your job as a job from which you take home your paycheque. If you are there for a reason, carry out that bloody reason, do your bloody job. If you pride yourself in the sense that you always have done when you come before this committee, that we have the best compensation system in the world, then say it one more time, "We can do even better."

**Hon. Mr. Starr:** Mr. Chairman, some of the comments that have been made by Mr. Davidson deserve some explanation—

**Mr. M. Davidson:** I would hope so.

**Hon. Mr. Starr:** Yes, Mr. Davidson, as a matter of fact we intend to give some explanation to you because I think it is necessary. I believe, sir, you wanted to know about the federal employees and investigators who are not doing their job properly.

**Mr. M. Davidson:** That's right.

**Hon. Mr. Starr:** That comes under the purview of Mr. Kerr, who I'm sure is just itching to get in there and explain it to you. Then, on rehab, John Wisocky should speak again, because I'm concerned about the fact that originally when I came on the scene each vocational rehabilitation counsellor had well over 100 cases. We have got them down to a level which we were advised would be the proper level for all rehabilitation counsellors to have, and we have it now.

**Mr. M. Davidson:** Seventy-four to 78 is the proper level?

**Hon. Mr. Starr:** It's around 70.

**Mr. Chairman:** Would you two gentlemen please come to the microphone?

**Mr. Laughren:** What about for those people who fall between the stools? The minister didn't bother responding to my question on that.

**Mr. Kerr:** There's been so much said and it's quite a wide field as far as I can see. I would like to talk, if I may, from the point of view of the claims services division. As Mr. Starr said, perhaps Mr. Wisocky would speak from the vocational rehabilitation point of view.

Right off the bat, as far as the claims services division is concerned our people have a real concern for the injured people of Ontario. We realize that when they are injured they are going through stress and they have

difficult times even with the Workmen's Compensation Act. The Workmen's Compensation Act is not the be-all and end-all, we realize that.

We take our responsibilities quite seriously and, since our last appearance before the resources development committee, we have made quite a few improvements in the claims services area, albeit we are not where we want to be. However, we have made significant improvement this year in the adjudication of new claims. I realize that you can put on the table all kinds of cases where you can illustrate delay—I don't doubt that for a moment—but when I take a look at the overall picture we have improved tremendously in that area and I would be pleased to go into further details in a moment or two.

9:20 p.m.

One of the suggestions you made to us last year was that we should do better in the payment of continuing claims. Mr. Martel mentioned the other evening the interruption of continuing payments. We were very much aware of that following the last meeting and have taken steps to improve the payment of continuing claims. There are still delays and there will always be some delays but we try to minimize those over which we have control and we have taken action to see what we can do about some of them over which we have no control. We think we have made distinct improvements in that area.

**Mr. Van Horne:** What would you have no control over?

**Mr. Kerr:** Sometimes we have no control over the information or the time it takes to receive information from a hospital or a doctor. You will recall last year we mentioned that, as a result of the Krever commission and Williams commission, hospitals and some doctors were very reluctant to provide information to our claims counsellors and investigators, even though the claims investigator did identify himself with his credentials duly authorized by the board, with the board's seal on, and presented a signed waiver from the injured person.

We find this situation has improved since we last met with you. The reluctance seems to be dying down. With us tonight is Mr. Charles Stewart, who is the director of the claims information counselling services branch. Part of his responsibility is the claims information gathering and the claims investigating function. He reports to me that it has vastly improved. We just have a pocket of resistance with hospitals now.

**Mr. Van Horne:** Was that because of something you initiated or something that would have happened otherwise?

**Mr. Kerr:** It is something we have initiated, Mr. Van Horne. We did two things. Last year I sent a letter to all the doctors of Ontario who treat compensation cases asking for their co-operation by being sure to include in their progress report a prognosis of how long they felt the person would be disabled from the date of the particular examination.

As an example, if a doctor tells us, "This man will be disabled for eight weeks from today's date" then the adjudicator can authorize payment of compensation for the next seven weeks without getting reports. But if the doctor overlooks that one little point and doesn't tell us the patient will be off for eight weeks we can only pay that person to date and then send out another form to be completed.

The response from the doctors has been excellent. I think they are doing much better in that area. In return for that, I told the doctors in a letter we would make sure we did not send out any more progress reports to be completed than absolutely necessary.

Going to the hospitals, Mr. Van Horne, we changed our waiver. They weren't very happy with the waiver we were using, which we thought was quite appropriate. But Mr. Stewart changed that waiver, which was then much more acceptable to the hospitals concerned because they consulted their legal people after the Krever and Williams commissions had held hearings. We find that they are doing better.

We do have a problem with hospitals in that, as with every other organization I suppose, they are so busy these days it is practically impossible for an investigator to walk into a hospital one morning, get a copy of the records that are required and walk out with them. What is being done in various areas is that if we have five investigators working in a large municipality and three of them have to go into the hospital for records on various cases we don't send three in. We will send one person from the area office with the appropriate waivers and identification to say, "This is what we need in these particular cases and we will be back tomorrow to pick up." We find this is having quite a beneficial effect in speeding up the information from the hospitals. We haven't been sitting back; we have been taking a positive approach in that area and I'm pleased to report it is paying off.

You mentioned the quality of investigations. About three years ago we had a rather rapid

expansion in the number of claims investigators and had quite a few new people.

There were some returns to the claims investigators to pick up information that wasn't obtained. Today, there are very few returns sent to the claims investigators to get additional information that should have been picked up the first time.

What is our control there? The claims review branch is the control and Mr. Bob Staughton, who is with me tonight, is the director of the claims review branch. Their job, as we all know, is to review any adverse decisions recommended by the claims adjudicator, such as when they say: "We cannot accept this claim because of so and so." The claims review branch takes a look at that case to determine several things: Is all the information there that should be obtained at this point in time? Is the recommendation to not accept the claim valid? Or should the claim be accepted? There are three possibilities, and this group will make certain that all the information is on file before a negative decision is made.

**Mr. M. Davidson:** Could I stop you for a second? If you were a claims investigator, where would be the first place you would go if you were investigating a claim?

**Mr. Kerr:** Normally you would go one of two places. I think the first place I would go normally, as I did when I was a claims investigator many years ago, would be to the injured worker.

**Mr. M. Davidson:** And from that point?

**Mr. Kerr:** It depends.

**Mr. M. Davidson:** Would it not seem logical to you that you would go to the doctor who treated him originally?

**Mr. Kerr:** Of course, sir, but you said first. My answer was, first I would go to the injured person. The other people I would go to would be the employer, and I would also check the first aid records and talk to witnesses, people the injured person told me were aware of the accident. If we are talking about—

**Mr. M. Davidson:** Wouldn't it seem logical to you that you would consult the doctor who carried out the original treatment?

**Mr. Kerr:** Yes, of course. If I may continue, I would also not just check with the doctor who did the original treatment, but any doctor who treated that person. If he was in the hospital, we would want a copy of the hospital records.

**Mr. M. Davidson:** But you wouldn't ignore the original doctor?

**Mr. Kerr:** Certainly not.

**Mr. M. Davidson:** If claims review got an investigative report where the original doctor who had treated the patient had not been contacted and there was no report from that doctor, would claims review send the investigator back to do that?

**Mr. Kerr:** I feel sure they would do that.

**Mr. M. Davidson:** I'm sorry, we have cases on record where that did not happen.

**Mr. Kerr:** I would be pleased to see those, Mr. Davidson.

**Mr. M. Davidson:** We have won the appeal, so there is no sense worrying about it now.

**Hon. Mr. Starr:** No, but I think there's a responsibility on your part to give us the case—

**Mr. M. Davidson:** I am not here to get an investigator into trouble, Mr. Starr, and I don't intend to. The case is on record and—

**Mr. Wildman:** On a point of order, Mr. Chairman: Are we here to talk policy or individual cases?

**Mr. Chairman:** Policy. There have been charges made and the chairman felt this gentleman was qualified to answer them.

**Mr. M. Davidson:** He most certainly is.

**Hon. Mr. Starr:** I wonder, Mr. Kerr, if you would deal with the federal employees and how we handle the compensation cases.

**Mr. Kerr:** Federal employees are covered by the Federal Government Employees Compensation Act, which is a federal law. Their law also says that they delegate to the appropriate provincial compensation board the responsibility to adjudicate claims for people who are injured in that province. I wasn't sure I caught all of your statement, but if a person suffered as a result of occupational exposure to radiation that would come under our jurisdiction. You didn't say this, but if it happened to be a member of the Armed Forces he or she would come under the federal government.

**Mr. M. Davidson:** The only two who were brought to your attention were employees of AECL. It was not to your attention specifically; I think the matter was raised with Dr. Elgie by Evelyn Gigantes.

**Hon. Mr. Elgie:** Actually, Mr. Davidson, what was raised with me was the follow-up on the people who had been involved in the cleanup at Chalk River in 1958 and who was responsible for it. That was what was raised with me, not the individual WCB claim.

**Mr. M. Davidson:** She still doesn't understand that and I hope we can get a clarification of that. There was an accident in 1958 at Chalk River NRU, whatever that is—nuclear reactor unit, I would take it—and there were approximately 1,100 people involved in the cleanup, 700 of whom were employees of AECL, some of whom were resident in Ontario. She brought cases—I am not sure whether it was two or three cases—to the attention of Dr. Elgie, and she is not sure who is responsible for this. The clarification has never been made.

9:30 p.m.

**Mr. Kerr:** It has never been referred to me, sir. Therefore, I can't shed any more light on it, but if I can become involved—

**Mr. M. Davidson:** I don't have the claim numbers with me and Ms. Gigantes isn't here. I can certainly have her send the claim numbers through to you.

**Mr. Kerr:** I would be pleased if you would. I would be happy to look into it and provide you with the answers.

**Mr. Haggerty:** The Atomic Energy Control Board is responsible for the regulations.

**Hon. Mr. Elgie:** Excuse me, but doesn't the board provide the compensation for people in the National Research Council unit there? They have jurisdiction, and in turn get reimbursed by the federal government.

**Mr. Kerr:** Yes. It's exactly as I was mentioning a moment ago, if that person is an employee of the federal government the claim will be adjudicated by the Ontario Workmen's Compensation Board. Compensation will be awarded in accordance with our act and the federal government pays the entire shot.

**Hon. Mr. Elgie:** By the way, Mr. Kerr, if I had paid \$300 for that suit I would go back. I have to tell you that even the lapels are out of date. The only reason Laughren and I have narrow lapels is that he can afford a new suit and I took my 20 years old one out of the cupboard. As for Mr. Brownell back there, wearing that horse blanket with the wide lapels, if you paid \$300 for that, my friend, I would get a horse with the money next time.

**Mr. Kerr:** For the record, Mr. Minister, my label says, "Elk's Fashions for Men. It cost \$98.

**Mr. M. Davidson:** It doesn't say, "Amalgamated Clothing and Textile Workers Union."

**Mr. Martel:** I think the minister is misleading us, because he wouldn't fit into a suit made for him 20 years ago.



Hon. Mr. Elgie: It is and I say that proudly.

Mr. M. Davidson: However, Mr. Kerr, I thank you.

Mr. McNeil: Mr. Chairman, I had a question of Mr. Kerr, if I could, before he returns to his seat.

You mentioned some of the changes you made that you feel have speeded up this process of helping injured workmen. You mention there are other things that you are looking at. Could you tell us where you are hoping to make some changes and what these changes are?

Mr. Kerr: Yes. As has been mentioned during the session so far, the board is starting a regional operation in Sudbury and London, which means that the adjudication function currently carried out in Toronto will be carried out in Sudbury and London. We are forecasting that we will commence regional operations in Sudbury on November 3 and in London on December 1 of this year.

We can see a number of advantages in those smaller operations. One is that a disabled person will be able to call right through to the adjudicator handling the claim. We think this is a good advance, because it brings the injured person and the claims adjudicator closer together. There is more of a relationship developed. The claims adjudicator can develop an even greater commitment than he has today because he is dealing directly with the person. We think this is excellent.

The injured person can get to the adjudicator if he is behind in payments for some reason. There are a number of reasons why that might occur. If the claim has not as yet been allowed, he can talk to his adjudicator about that. We also will have tighter control of the claim file in that the claims adjudicator will have his case load right beside him and it will not leave his immediate area to go any place in the Sudbury or London office without his permission. This means it will be readily available when inquiries come in or any action is required by the claims adjudicator.

We think that's excellent, so we say to ourselves, "Obviously, we can't decentralize through the province all at one time, so can't we take some of these good things and start them at head office?" Beginning next week, we are changing our practices in the claims services division whereby an injured employee calling in can get right through to the claims adjudicator if he so wishes. We have telephone inquiry clerks who are there to take care of routine inquiries, but we have

just approved the practice that if a man is behind in payment or the initial claim hasn't been allowed or it is a reopened claim that is still under consideration, that individual can get right through to the claims adjudicator. This will be a tremendous advantage.

We have also made a change whereby that claim file cannot be charged out of the open file cabinet to somebody else in the organization within three days of the due date when the adjudicator should have it. Every claim is marked. I know, I'm an adjudicator and I should have a claim today, May 27, that claim cannot be sent to anybody except me for those three days prior to May 27, because I need it for some kind of action. We feel that this will be a tremendous improvement.

Last July, as a result of discussions here, we talked about the difficulty in getting medical information. The rule has been that we pay compensation on medical information once the claim is allowed and continuing payments are being made. I authorized Mr. Darnbrough and his claims adjudicators to make at least one compensation payment of two weeks even though there is no medical evidence to support the man's statement that he is still disabled. We will also continue to pay compensation if the man tells us he is receiving physiotherapy or if he has a cast on; if he is in a hospital, that's even more obvious. So we are more open in paying compensation when we don't have an up-to-date medical report on file.

We are trying to do a better job in contacting the injured employee when a payment is overdue. About 12 per cent of continuing payments are delayed because the injured person hasn't returned a form to us. When that form is due, the claims adjudicator will phone the individual and find out what is going on. We feel this is a big advance.

We are also taking greater steps to make the claims adjudicators, from the day they come on our staff as trainees, to be even more payment-aware. They are aware of the importance of paying claims promptly, but we are stressing this constantly and that will go on. We want to indoctrinate our claims adjudicators from the word go into the responsibilities of their position. I don't wish to indicate we haven't been doing that. We are overemphasizing this to make sure that we don't lose anything.

We had delays in continuing payments in 1978 because of the massive amendments that were put through and they took a great deal of staff. As a result of that, we got behind temporarily. I received and sought approval to hire extra staff to take care of the extra work load. This year we are bringing in

summer help in the payment preparation at the beginning of April rather than the beginning of June. We are taking quite a few steps of this nature. Each one in itself doesn't solve the entire problem, but it contributes greatly to the efficient operation in getting the cheques out more quickly.

Investigations on the initial allowance of claims: we investigated something like 11,000 claims locally last year. That represents about seven per cent of the total number of lost-time claims for last year and is roughly 1,000 more than the year before. We are taking the approach that if we can determine a claim is becoming complicated from the point of view that I as the adjudicator must write to two or three people, for goodness' sake let's not start writing letters ad infinitum; let's get this out to a claims investigator in one of the area offices to see if we can get the information more quickly and shorten up the time it takes to adjudicate claims.

One of the things I am rather happy about is the improvement we have experienced in the allowance of claims. It's improved tremendously in the past two to three years. Also, our rejection rate is reasonably low at the present time. If you take into consideration only the claims where a man or a woman has the right to make a claim and exercises that right, at the present time just about 1.5 per cent of those claims are rejected.

You will hear that about seven per cent of all claims reported are rejected. That figure is true—I am not playing with statistics. Of the 460,000-odd accidents reported last year, it's true that about seven per cent were rejected. But taking into account just those that should have been reported to us, and the man had the right and did exercise that right, the rejection rate is about 1.5 per cent. The other group is of claims that should never have been reported to us in the first place. It was an accident off the job, which our law does not allow us to accept at the present time.

**Mr. Wildman:** Some of those were open to question surely?

**Mr. Kerr:** They are open to question in every case—

9:40 p.m.

**Mr. Wildman:** There are occasions when an accident occurs on the job in the view of the workers and his representative, but after investigation the board decides—and I don't say it is illegitimately deciding that—it is related to something that occurred off the job. So there is a difference of opinion on the number at least of the so-called claims that should never have been brought to the board.

**Mr. Kerr:** In that regard, every claim that's reported to us has to be looked at and we have to get the information. You are quite right: there are some that obviously shouldn't have been reported to us and there are some that are just borderline and it's a difference of opinion. Maybe the employer says it didn't arise out of employment. It may have occurred during the course of employment, but didn't arise out of employment. That's one that we count in this group. In many instances we have to say to the employer that in our view this did arise out of employment and during the course of employment.

**Hon. Mr. Starr:** Isn't it subject to appeal?

**Mr. Kerr:** Yes, of course, but I am assuming in this case, Mr. Starr, that we allowed the claim in the claims services division. I like to be positive.

**Mr. Wildman:** But you are saying you have only a one point something per cent rejection rate of claims that should have been given to you.

**Mr. Kerr:** That's right.

**Mr. Wildman:** Surely that is a subjective rather than an objective observation?

**Mr. Kerr:** No. I won't go into it now, but I can provide you with a list by category—it's quite open to you—of claims we feel should not have been reported to us. I would be happy to do that if you are interested in it.

**Mr. McNeil:** In determining the opening of offices in the north and in London, could you give us some sort of breakdown as to those two centres? Also I would like to know if there are any plans for opening up a regional office somewhere in eastern Ontario to handle the claims they have there.

**Mr. Kerr:** We recommended Sudbury and London to the board for specific reasons. We think we have a good cross-section of industry in London. The case load and the number of accidents reported there is just about right for this kind of a project for the first regional office for decentralized claims adjudication and all the functions that go on there. I would like to come back to the functions that are performed there in a moment.

In Sudbury, we thought that office would cover the heavy stuff—mining, logging—and that it would give us a good cross-section of that kind of industry as opposed to the kind of industry in London. In Sudbury we thought that was located in a good geographical position. If it's decided to go ahead, Sudbury can be a jumping-off point for other

regional offices. We could use staff from Sudbury to help locate other regional offices in the north country, if it's decided to go in that direction, and that would be the same in London.

**Mr. Wildman:** How many of your staff in Sudbury can speak French?

**Mr. Kerr:** May I answer this question first, then come back?

**Mr. Wildman:** Sure. Sorry.

**Mr. Kerr:** I've got the answer for you, but I think this is interesting if we continue this for a moment.

We think, and the board agrees, these two offices provide us with a good cross-section for good experience. There has been no decision by the board where we should go after that. Indeed, the board has not authorized our implementation committee to go any further than that. After these offices are in operation—in a very short period of time, I would say—we will let the board know how they are operating and discuss with the board the possibility of going further.

I also understand, Mr. Minister, that Professor Weiler is also looking at this situation; however, we did not in any way hold up because he was looking at this situation. We went ahead with our board-approved plans to put these two offices in. I might add that there will be no withdrawal from Sudbury and London. Once you are in there, you can't come out. This is referred to as a pilot project, but it is only a pilot from the point of view of learning and experience to put it in other areas.

**Mr. McNeil:** At this point has there been any consideration given to establishing an office somewhere in eastern Ontario—in the Belleville, Trenton or Kingston areas?

**Mr. Kerr:** Not as yet, no. We are fully aware of the number of accidents that come from various counties, but we haven't progressed to that point yet.

May I go back to the French question?

In Sudbury we have at least seven people who can speak French and at least one who can speak Italian.

**Mr. Wildman:** Can you give me some kind of percentage?

**Mr. Kerr:** We have roughly 28 claims people working in the Sudbury area. That, of course, does not include vocational rehabilitation and finance people who work in the Sudbury area office. I'm just talking about claims personnel.

**Mr. Wildman:** Those are just claims people? It doesn't include rehabilitation people?

**Mr. Kerr:** No, I don't know how many people speak Italian in the vocational rehabilitation service.

**Mr. Wildman:** Or French?

**Mr. Di Santo:** I have a supplementary, Mr. Chairman. Isn't that also a reason why you have had delays in the past? I hope what you are saying works in the future and the claims will be solved speedily. The fact is you have been shuffling adjudicators quite constantly, as I think you admitted at the beginning of your remarks. Also, you had three levels of adjudicators and supposedly the level three adjudicators were not the best trained and were, therefore, those who could take more time in making decisions or in simply finding the evidence necessary to make decisions.

You said at the beginning that after 1975 you hired a large number of people in the adjudication branch. How has the situation changed now? How many adjudicators at level three have been abolished? Let me tell you that on some occasions you make the minister look bad. I want to mention only one thing. I have written to the minister, and he answered me on March 24 and May 12 saying that in this specific case there was no report from the doctor attached. On May 1, 11 days before the minister wrote to me, one of the adjudicators said, "In reviewing this file, I notice we do have on file a notation from Dr. Kupenies dated September 8, 1978."

I hope the new system works when a simple claim like that takes two years to come to a conclusion after the intervention of the MPP because the injured worker was unable to solve the case by himself. In this case, I think the minister was misinformed or was led to make statements that were not proven true. What stage are you at with this restructuring of the adjudication branch?

**Mr. Kerr:** Your first comment was that there seems to be quite a movement of claims adjudicators. This is true. There has been quite a movement of claims adjudicators since the rapid expansion in 1974 and 1975. After the task force, when we were given more functions to perform in the claims services division, and with the enlargement of vocational rehabilitation and the implementation of the new appeals system, we lost quite a few of our senior adjudicators, who went on to more senior jobs and promotions.

9:50 p.m.

The system we have been using to date, with the split of the work and the promotion of an adjudicator, created a ripple effect. If a senior adjudicator was promoted, then prob-



ably two or three adjudicators underneath were moved up, and there has been quite a movement in the past.

We think that wave has gone. We find our adjudication staff is more experienced now. For example, the number one adjudicators have had nine months' experience on their current job. That is not the length of time they have been in the claims adjudication function, but nine months compared with five months in 1978. So the average experience is increasing rather rapidly.

I share with you the concern about the movement of claim files from one adjudicator to another. We have learned by that. In the area offices of Sudbury and London we are not going to have that kind of movement. We will have a group of initial adjudicators who will be responsible for determining whether the claim can be accepted under the act. Then the claim will become the property of just one continuing adjudicator, who will handle that claim from the time it is allowed until the time the man returns to work or a pension is established. Using that principle in the two regional offices, we are going to eliminate the movement of the claim from one adjudicator to another to another. There will be one move.

Mr. Dambrough, the director of the claims adjudication branch, is currently working on that for me at head office, to see if we can introduce the same principle, to eliminate the movement of claim files.

Mr. Di Santo: Will you also do that in Toronto?

Mr. Kerr: Yes.

Mr. Di Santo: The experience now is that whenever we need to find a claim it takes two or three days before the file can be found, wherever it is. In many instances we deal with different adjudicators and in most cases the new adjudicator doesn't know what the old one did. That is one of the reasons we have delays that in many instances last months and months, not only two, three or four weeks. I don't think it is only because of the investigation system you have, but also because of the internal structure of the adjudication branch.

Mr. Kerr: Our structure to date had to be as it was for the reason I gave. We have now reached the stage where we are looking at it and trying to change it along the lines I have just been outlining, because we realize we want to minimize the movement of claim files. I accept the point you have made.

Mr. Martel: On the original claim form that goes out we frequently see answers that

subsequently turn up as being detrimental to a favourable decision. Has the board ever considered, because of the various ethnic groups now in the province, the possibility of sending claim forms to workers in the only language they read? For example, in northern Ontario we get a lot of problems if someone doesn't read English and can read only French. I am sure in Toronto there are a lot of Italian people who speak only Italian.

Some of the questions are answered improperly and lead to problems later on. What about the possibility of claim forms and progress reports—how to fill out their own reports—going to workers in their own language? It might reduce the error that occurs when the worker does not comprehend fully what is being asked, or does not answer in his own language. Therefore, he possibly makes serious statements he doesn't really mean and these subsequently show up as one of the reasons for the decision going against him.

It seems to me we should start to look at that probability, if it is happening, and I have a suspicion it is—John McDonald is arguing it doesn't. I have a feeling that that is where, in the long complex cases, a mistake is being made very quickly in the ball game and is not picked up. The linguistic problems could well be the basis of misinformation.

Mr. Kerr: There is some merit in what you say. First of all, I would like to say that in approximately 62 per cent of the cases we never require a report of an accident from the injured person. That is in accident cases. In the other percentage we do.

It is difficult to decide what form should be sent out in what language. Sometimes, by the name, it is not always possible to determine what language the person speaks. Our forms are such that, if you had to do it in three languages you would have some technical problems; and how you would devise forms—you have all looked at our forms—how you could get all that on one page or in one package is difficult to say.

I recognize that language sometimes creates a problem in getting all the facts, but we do everything we can. When we find and identify a language problem, that is when we try to have personal contact in the claims services division if we possibly can. We have had a tremendous increase in all of our area offices in the number of people who can speak French, Italian and other languages, and we try to do everything we can to get all the facts in cases in which there is a language problem.

The question of printing all of our forms for injured people in various languages would take a great deal of thought and study, because there are problems associated with it.

**Mr. Wildman:** Surely, since the Official Languages Act was passed in 1968, you could at least move to bilingual forms, English and French, as a first step at least?

Last week I met with l'Association des Employées du Dubreuil Brothers, with the president of the union, who himself is unilingual. Here is a man who would be representing injured workers and who does not speak English. He raised with me the whole problem of getting all kinds of forms, not just claims forms, but all kinds of letters from the Workmen's Compensation Board, in French.

I have raised this before in these estimates; I have raised it with Mr. Starr. Dubreuilville, as surely the board realizes by now, is at least 90 per cent French, most are unilingual francophones. What it takes to persuade the board that whenever they see the address is Dubreuilville they should send whatever they are sending in both English and French, if not in French only, I don't know. But I get claims and claims of material being sent to a worker who is unilingual French, and who himself probably has so little education that he may have some difficulty understanding the technical terms used by the board in French, and the material is sent to him in English. Who is he going to go to? You say he should go to his union. The president of his union is unilingual French.

There is no rehabilitation officer who can speak French in the Sault Ste. Marie office, as far as I am aware. There are rehabilitation officers who can speak Italian, and that makes sense in Sault Ste. Marie because there is a large Italian population; but that office also serves the north end of Algoma, which has a large francophone population, and there is no one who can speak French. I understand, Mr. Minister, that French is one of the official languages of this country.

**Mr. Kerr:** There is a person—not a rehabilitation officer—in the Sault Ste. Marie office who speaks French and Italian.

**Mr. Wildman:** A rehabilitation officer?

**Mr. Kerr:** No, not a rehabilitation officer, but he is available to assist all staff people.

**Mr. Wildman:** Does he travel all the way up to Dubreuilville? I doubt it.

**Mr. Kerr:** Not likely, no.

**Mr. Wildman:** No.

**Mr. McDonald:** Could I add one other comment to that? The problem you could be faced with in receiving these documents in

another language is this: when they come in they would either have to be dealt with by the people who are knowledgeable in that language or all translated, and that could lead to delays.

**Mr. Wildman:** I will tell you, when they get it in a language they do not understand, that leads to delays.

10 p.m.

**Mr. McNeil:** We were discussing the case load. Mr. Starr mentioned that it was over 100 when he came in and it is down around 70 now. What do you think the level of case loads should be?

**Hon. Mr. Starr:** We are talking about rehab. I think Mr. Wisocky could deal with that point.

**Mr. Kerr:** I would be happy to deal with what the case loads of the claims adjudicators are. I think that is probably of some importance.

**Mr. McClellan:** Excuse me. Are we following an agenda or what?

**Mr. Chairman:** Yes, we are on administration.

**Mr. McClellan:** Main office?

**Mr. Chairman:** Yes, main office. I am not trying to stop anybody from asking questions on this particular version of it, because that is what you asked for.

**Mr. Kerr:** Shall I answer the question, Mr. Chairman?

**Mr. Chairman:** Yes.

**Mr. Kerr:** The adjudicators who work on the allowance of claims are called initial adjudicators. The preferred case load we have established is 170 claims. During the week of April 28, the average case load for those people was 161, so it is slightly below. The continuing authorization of payments and the handling of claims is divided into three levels, junior, intermediate and senior. This is the point that the member was referring to; we have so many categories.

For the person who does the simple continuing adjudication, the junior, the preferred case load is 250. It is now 219, below the preferred. The intermediate continuing claims adjudicator preferred case load is 245. It is higher; it is 265. The senior continuing claims adjudicator preferred case load is 230. It is now 223. We are now at long last within what we call reasonable limits. This is one reason why, starting next week, we will now be able to accept more telephone calls from injured people, because we feel we have reached the stage where we can handle that. I think if these case loads, for

the claims adjudicators only I am talking about, stay at this level we should be able to do a very good job.

**Mr. McClellan:** I don't want to question Mr. Kerr at this point. I want to deal with a couple of preliminaries before we get to the—

**Mr. Chairman:** In fairness, Mr. Van Horne is next.

**Mr. McClellan:** In that case I will ask Mr. Kerr a question. The question is a follow-up from questions that were asked March 29, 1979. Does somebody have a copy of the act that I could borrow for a second? It has to do with section 42(5). I would like the minister to help me out on that too. I spent a fair bit of time last March, over a year ago, dealing with the board's interpretation of section 42(5).

I pointed out there is absolutely nothing in the act that permitted the board to calculate in current earnings when trying to come to a determination of benefits under section 42(5). We talked about the fact that the board does calculate in current earnings. But if you read section 42(5) all it says, to paraphrase it, is that the combination of pension plus wage loss supplement cannot exceed full compensation. There is nothing in there about adding in pension plus wage loss supplement plus current earnings. That is not in the act. It is not what the act says.

I thought I had some kind of a commitment last year from the WCB chairman and the minister to look at that question and to make the appropriate policy changes so the board didn't continue to be in violation of the Workmen's Compensation Act in the administration of section 42(5). I have had correspondence from the minister on at least four occasions over the last 14 months with no conclusion on the matter.

I don't understand that. I have to say my patience has long since run out. I don't see why it has taken over 14 months for the board to make a simple declaration of the obvious, namely, that section 42(5) entitles the board to grant a wage loss supplement regardless of current earnings. If the board has to lay down some criteria on the administration of that policy that is fine; that is within the purview of the board, but continuing to stonewall over the question for 14 months is unacceptable. There is absolutely no excuse for it.

My colleague from Nickel Belt has talked about the three components of a rational compensation system. The third component is rehabilitation. Section 42(5) is the vehicle in the act, as it stands now, to implement the

rehabilitation function. Yet you don't seem to take it seriously. You don't seem to acknowledge there are workers who were injured a long time ago who have fallen behind. You have the capacity, through a rational literal interpretation of section 42(5), to remedy at least a little bit of that injustice but you stonewall and stonewall and stonewall.

I would like an explanation now from Mr. Kerr or Mr. McDonald or Mr. Starr or the minister as to why it has taken 14 months and not a single thing has come out of this problem.

**Mr. McDonald:** I can fully appreciate your concern over the length of time it has taken. I am aware of the correspondence you have exchanged with the minister. When the matter was raised, the board took it under consideration and felt an independent legal opinion was necessary. To obtain that opinion, it was necessary to assemble a fair amount of documentation and present it to the solicitor. The board has just recently obtained that opinion, which is in support of the board's position with respect to the interpretation of section 42(5).

Within that correspondence, there was also reference to section 53. The board has, therefore, asked for clarification of the position with respect to section 53, and that has not as yet been obtained. It is not considered that we can provide that documentation until such time as it is.

**Mr. McClellan:** So you are refusing to give me an answer. You are refusing, in anticipation of my question, to provide me with the documentation and you are simply saying you are going to stonewall on it for another year.

**Mr. McDonald:** I am saying to you we have asked for clarification of the further position. When that is obtained, as was suggested to you by the minister last year, the information will be provided to you.

**Mr. McClellan:** What clarification needs to be given?

**Mr. McDonald:** I have advised you that the legal opinion supports the board's position with respect to section 42(5).

**Mr. McClellan:** On what grounds?

**Mr. McDonald:** On the grounds of the interpretation of the examples provided.

**Mr. McClellan:** That is not an answer.

**Mr. McDonald:** I don't have the legal opinion with me.

**Mr. McClellan:** Can you provide that to me?



**Mr. McDonald:** Not until such time as the clarification has been obtained with respect to the total documentation.

**Mr. McClellan:** Let me ask the minister, is this an acceptable response?

**Hon. Mr. Elgie:** I know the board has obtained a legal opinion about section 42(5) and that the response to section 53 was not complete in the opinion of the board. I understood, as Mr. McDonald has outlined, that was going to be clarified and the document would then be made available to anybody who wanted it for review.

**Mr. McClellan:** I want to see what is available now.

**Mr. Martel:** You have received a legal opinion which substantiates the board's position?

**Hon. Mr. Elgie:** I don't have it; the board has it.

**Mr. McClellan:** Let me repeat the question to the minister—

**Hon. Mr. Elgie:** With respect, this is a corporate board decision. I can have discussions with the board as to the progress of the legal end. You know that.

**Mr. McClellan:** I don't know this.

**Hon. Mr. Elgie:** It is a fact of life. Read the act. You know my role with regard to the board. Mr. McDonald will have to respond to when the board will be able to release that report and whether or not it can be released, excluding the portion relating to section 53.

0:10 p.m.

**Mr. Martel:** Do you have a legal interpretation? The board has a legal interpretation now, but you are asking for further clarification. Is it not possible for us to see the documentation leading up to the point at which Mr. McDonald is now saying it has gone for further clarification? Could we not see the documentation up to that point?

**Hon. Mr. Starr:** What Mr. McDonald has outlined is a decision of the board. There are minutes to that effect. We would have to go back to the board—and I give you an indication that I will go back to the board—bring forward your request as to the availability of the present report as it stands and have the board decide. We will certainly bring it forward at once.

**Mr. McClellan:** That's what I was offered last year. That was 14 months ago.

**Hon. Mr. Starr:** No, no. That was a decision. Now you want to know what this outside legal decision is which confirms the

proper procedure taken by the board in its interpretation of the act.

**Mr. McClellan:** I don't understand. Last year you said to me at the conclusion of our discussion, Mr. Starr, "I think we will have to have a good hard look at the situation and get our legal advisers to see that we are not overstepping any bounds in trying to implement something such as you have put forward today."

I said: "Yes. I appreciate that and I will look forward to a report back." I thought we had an understanding that I would have a report back. That was 14 months ago and now you are telling me that I am going to have to wait for an unforeseeable period of time. In the meantime, there is a certain paralysis around—

**Hon. Mr. Starr:** I didn't say that at all. I said, "at once."

**Mr. McClellan:** Okay.

**Hon. Mr. Starr:** While you are still in session, we will have a decision for you from the board as to the release of this report we now have on hand.

**Mr. McClellan:** Okay. I am sorry. I misunderstood.

**Mr. Van Horne:** Mr. Chairman. I would like to try to—

**Hon. Mr. Starr:** I am sorry, gentlemen, but Mr. Wisocky had some response to Mr. Davidson.

**Mr. M. Davidson:** Mr. Wisocky will be up under rehabilitation and I am quite sure I will remember the questions I raised and he will by then be able to provide me with the proper answers.

**Hon. Mr. Starr:** Okay.

**Hon. Mr. Elgie:** Could I just respond to something? Mr. Davidson brought up the question of the availability of the interim and any final reports submitted to me by Professor Weiler. You will recall that by the terms of reference of the order in council it is a report to me. You have a firm commitment from me that report will be made public.

**Mr. Van Horne:** I would like that repeated, because I didn't hear it.

**Hon. Mr. Elgie:** I said there is no doubt I will make that report public.

**Mr. Van Horne:** Okay. This is a Weiler report that you are talking about?

**Hon. Mr. Elgie:** Yes, whatever interim or final reports have been submitted.

**Mr. McClellan:** This is a procedural thing, but before we get to vocational rehabilitation

services—and we want to have a good discussion there—I have a problem with the statistics that have been presented. I can't make head nor tail of them. There are contradictory statistics in three separate documents: last year's Hansard; this year's annual report, which is the 1978 annual report, and the briefing book.

For example, the annual report says the vocational rehabilitation division served 28,496 people last year. The briefing book says that in 1978 only 10,000 cases were served. I have two sets of figures for 1977. The one from Hansard is 28,934 and the other from the annual report is 25,578. Leaving aside the confusion about the basic numbers of people served, I don't have answers to the essential questions anywhere.

There were 28,000 people served by vocational rehab according to the annual report. How many of those were regarded as able to return to their regular employment? Of those, how many did return to their regular employment? Of the 28,000, how many were fit for modified work according to the compensation board's own assessment and what happened to them?

I don't want answers to those questions. I understand they can't be given but, first, could we have a rationalization of all of the different figures that we have been given, if possible before our next session? Second, we require some answers to the second set of questions around what on earth happens to those however many people it is, whether 28,000 or 10,000 or 25,000; what happens to them, or does the board know?

**Mr. M. Davidson:** You are just putting Mr. Wisocky on notice.

**Mr. McClellan:** Precisely.

**Mr. Van Horne:** Mr. Chairman, I hardly know where to begin. I have to go back to the comment Dr. Elgie made a few moments ago. If I understand him correctly, he indicated he would make public the Weiler interim report and also any other report and also submissions made to him.

**Hon. Mr. Elgie:** Any report that Professor Weiler submits to me, interim or final, I will be glad to produce.

**Mr. Van Horne:** I want to stay with the Weiler theme for a few moments, if I might. I think I indicated in the opening comments I made last week that there has been a significant number of studies done on the Workmen's Compensation Board, some of them significant and some of them less than overwhelming. The problems, in spite of those studies and reports, have persisted for all

members and have persisted within the system.

I noted with interest some of the comments made by Mr. Kerr about improvements within the past year and anticipated improvements, and I can't help but take a look at this exercise as I see it now and as I saw it last year and wonder out loud, is there not a better way for the Legislature to look at the Workmen's Compensation Board? I would submit to you in all sincerity this has to be a frustrating exercise. It is really a puzzle to me how we can sit here and sort of mix concerns and complaints that we have at the constituency level with themes that seem to align themselves with general policy to try to come up with anything that makes any common sense with a view to recommending improvements within the compensation board.

Let me go to the Weiler guidelines. As I see it, I don't think that we as a group of legislators have had anything to do directly with the guidelines he is supposed to be following according to the statement the minister made announcing his appointment on February 11, 1980. Surely we can lift ourselves above the immediate concerns of what is going on with our constituencies, or for that matter within our sometimes relatively limited party lines and say to ourselves, isn't there some broad concern for the workers in Ontario that we can address ourselves to as members of the Legislature?

I am frustrated by this thing and I don't know where the devil we go. We didn't, as I perceive it, have any direct input into the guidelines that Weiler will be pursuing or following. So let me ask you, Mr. Minister, is it possible for us to agree, in the remaining time we have, to at least a handful of guidelines that we could recommend he pursue right now?

**Hon. Mr. Elgie:** With respect, Mr. Van Horne, I might suggest perhaps the problem you have is with the terms of reference that encompass this committee and its function here. If I may read them: "In compliance with section 81 of the Workmen's Compensation Amendment Act, 1973, the annual report of the Workmen's Compensation Board for 1978 be referred to the standing resources development committee for consideration starting May 22, 1980," et cetera.

The matter before the committee is the Workmen's Compensation Board annual report.

10:20 p.m.

**Mr. Van Horne:** What are we discussing? I raised that point when we met last week

**Hon. Mr. Elgie:** I understand that. In terms of what input you have had into the terms of reference of the Weiler study, it is true that you haven't had any direct input other than having met with him and having given him your views and having access to him to review or revise or extend those views.

If you read the order in council, you will see there is nothing limiting Professor Weiler from taking into account any aspect of the compensation board.

**Mr. Van Horne:** Is there anything to preclude his taking into consideration any recommendations we might make?

**Hon. Mr. Elgie:** You are free as individuals or as a party to meet with him and make recommendations to him.

**Mr. Laughren:** Not in public, only in private.

**Hon. Mr. Elgie:** You do like the stage, don't you? A star is born.

**Mr. Van Horne:** Let me redirect the question to the members of the committee as opposed to the minister. Is there any determination from the members of the committee that they would like to make some recommendations to him as to what he should be pursuing in his endeavours over the course of the next two months or the next year or whatever his time period is?

**Hon. Mr. Elgie:** I am sorry.

**Mr. Van Horne:** I am extending the question I asked you a moment ago beyond you to the members of the committee.

**Mr. Di Santo:** Mr. Chairman, we have already expressed our point of view. Apart from the guidelines which allow Professor Weiler to explore the whole field of workers' compensation, we think one of the major problems is that public hearings will not be allowed. That point has been made by my colleagues before. I think that is a major limitation, because there are several groups and unions which are working and dealing directly with individual cases and with groups of injured workers that would like to do that. Under the present guidelines, they don't have a chance to present their points to Professor Weiler.

The time factor is very important. Nobody has raised this issue, but he will be in Ontario for only two months and then he will commute from September on if I am correct. He will not be back then until next year, which means that in order to have some results we have to wait quite a long time. We take there are very pressing problems.

**Mr. Van Horne:** If I might interject, given that we have not the luxury of public hearings, as representatives of the public we should at least be able to sit down and agree to a certain number of topics or themes to which he should address himself. I ask the committee members present are they prepared to do that? If we do that collectively, would the minister or the chairman of the board—

Interjections.

**Mr. Van Horne:** You are Pontius Pilate.

May I go back to the minister and say if we do that, if we are prepared to address ourselves to themes which we feel strongly about and which we think he should address himself to, is the minister prepared to accept that and pass it on to him?

**Hon. Mr. Elgie:** You are probably getting the cart backwards, with due respect.

**Mr. Van Horne:** No, I don't think we are.

**Hon. Mr. Elgie:** The Legislature has appointed Professor Weiler to carry out this study. Individuals, parties and groups of the public, contrary to what you say, my friend, have full access to Professor Weiler to present any views they wish. If you know anybody who doesn't feel that is so, give me the names. They can meet with him any time they wish.

Interjections.

**Hon. Mr. Elgie:** You made a statement; let me respond. I am flabbergasted, frankly, that someone we all agree is probably one of the most qualified to do the study, given broad terms of reference encompassing—I can't think of any topic he does not have the right to review, yet here we are talking about people not having access. He has determined the way he thinks he can produce the most effective report. Mr. McDonald, on the board, can tell you about all of the material that has been given to him. He can tell you, when you sit down and talk to him, about the material he has reviewed. He has reviewed everything there is that I know of to read on the subject and he has already met a large number of people.

**Mr. M. Davidson:** That is subject to questioning.

**Hon. Mr. Elgie:** Let me finish, please. He will be meeting with people and discussing problems and matters related to the Workmen's Compensation Board all summer and, as you said, continuing in the fall. The present indication I have from him is that he will be submitting an interim report to me in the fall.



**Mr. Di Santo:** But is that not an indication that if the critic for the Liberal Party in frustration is asking that his committee comes up with recommendations to be submitted to Professor Weiler that means he will not have a proper channel to go through Professor Weiler? I understand what you are saying.

**Hon. Mr. Elgie:** With respect, the Legislature appoints somebody to review the problems.

**Mr. Di Santo:** But that is ridiculous, since we of the Legislature at some point have to find a channel to go to Professor Weiler, who has supposedly been appointed by us, which means there is not a proper mechanism. Nobody is questioning Professor Weiler. What we are saying is that because there are no public hearings—and that means hearings which are advertised and to which everyone has access—there are the problems that Mr. Van Horne and other members have been raising. This is not a negative criticism.

**Hon. Mr. Elgie:** I don't see those problems. Frankly, I really don't think you see those problems either, if you search your own conscience about it. In any event, as was requested by one of the members, the transcripts of these events today are being transferred to Professor Weiler to review so he will know your views.

**Mr. Van Horne:** In spite of what you have said, and I understand it, we are now following a slightly different format this year. The subcommittee will start its business tomorrow. Are you suggesting if that subcommittee, by whatever means, determines that it will discuss a set of themes to present to you in the remaining 10 hours, you would not consider them worthy of implementing in the guidelines that Weiler has?

**Hon. Mr. Elgie:** He has no guidelines from me, Mr. Van Horne. He has an order in council which you have available to you. The transcripts of the events of this committee are being provided to him so that he can understand the views that have been expressed here.

**Mr. Van Horne:** But there are some things we don't know.

**Hon. Mr. Elgie:** I would remind you again of the purpose of this committee, as it is issued in the Votes and Proceedings of May 20, 1980. Maybe that is where the problem is. We should confine ourselves to the matter that is before the committee.

**Mr. Van Horne:** Let me submit that you are fogging the issue just a bit. There are a whole lot of things that we don't know.

**Hon. Mr. Elgie:** What is fogging about that? I think that is pretty clear.

**Mr. Van Horne:** You try my patience at times, Robert.

**Hon. Mr. Elgie:** Maybe it is a two-way street.

**Mr. Van Horne:** I am trying to help this bloody thing and I am getting snowed. I don't like it.

**Mr. Chairman:** Mr. Lane will be chairman of the subcommittee. I would suggest that each party have at least two members in the committee. As you know, we are directed by the House leaders that any subcommittee consideration of the annual report of the Workmen's Compensation Board, committed by order of the House on Tuesday last, be concurrent with the sittings of the standing committee on resources development.

We will be starting the Ministry of the Environment estimates in the next committee room. So the meeting will be adjourned until 10 o'clock tomorrow morning, but you will be free to go from one committee room to another.

**Mr. M. Davidson:** Mr. Chairman, am I given to understand we have two members from our party, but that does not preclude any other member from participating?

**Mr. Chairman:** No, but you will have two members there at all times.

**Hon. Mr. Elgie:** Mr. Chairman, I realize some members have left but I have other events tomorrow morning. I would like to go to cabinet. Would it be appropriate if my deputy attended in my place tomorrow?

**Mr. Chairman:** I would say so.

**Hon. Mr. Elgie:** Then I will be back on Thursday.

The committee adjourned at 10:30 p.m.

## SPEAKERS IN THIS ISSUE

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Davidson, M. (Cambridge NDP)  
Di Santo, O. (Downsview NDP)  
Elgie, Hon. R.; Minister of Labour (York East PC)  
Haggerty, R. (Erie L)  
Laughren, F. (Nickel Belt NDP)  
Martel, E. W. (Sudbury East NDP)  
McClellan, R. (Bellwoods NDP)  
McNeil, R. K. (Elgin PC)  
Miller, G. I. (Haldimand-Norfolk L)  
Taylor, J. A. (Prince Edward-Lennox PC)  
Van Horne, R. (London North L)  
Villeneuve, O. F.; Chairman (Stormont-Dundas-Glengarry PC)  
Wildman, B. (Algoma NDP)

**From the Workmen's Compensation Board:**  
Kerr, W. R., Executive Director, Claims Division  
McCracken, Dr. W. J., Executive Director, Medical Services Division  
McDonald, J. F., Secretary to the Board  
Starr, Hon. M., Chairman  
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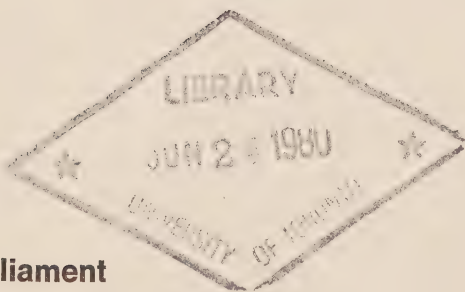


No. R-20

# Legislature of Ontario Debates

## Official Report (Hansard)

**Standing Committee on Resources Development**  
Estimates, Ministry of the Environment



**Fourth Session, 31st Parliament**  
Wednesday, May 28, 1980

Speaker: Honourable John E. Stokes  
Clerk: Roderick Lewis, QC



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# LEGISLATURE OF ONTARIO

## STANDING COMMITTEE ON RESOURCES DEVELOPMENT

WEDNESDAY, MAY 28, 1980

The committee met at 10:11 a.m. in committee room No. 2.

### ESTIMATES, MINISTRY OF THE ENVIRONMENT

**Mr. Chairman:** All parties are represented. I understand the honourable minister has a short statement.

**Ms. Bryden:** Mr. Chairman, before we start, could we agree on a time allotment? I don't think it will take very long. I submitted a proposed time allotment.

**Mr. Chairman:** I was going to bring that up as soon as the minister had finished his statement.

**Ms. Bryden:** The time allotment does include one half hour per party for leadoffs.

**Hon. Mr. Parrott:** I will be less than that, Mr. Chairman.

**Mr. Gaunt:** Less than that?

**Hon. Mr. Parrott:** Ten minutes.

**Ms. Bryden:** That is agreeable to me, if you will bring it up after the minister has finished.

**Mr. Chairman:** Okay.

**Hon. Mr. Parrott:** Mr. Chairman, my opening comments are going to be very short this year. It is only a short time since we were here in the estimates of last year, the second estimates. Rather than make a long opening statement, although I do have fairly extensive notes, I think it would work better if I interjected those comments at the beginning of the subject matter that will be discussed. I will identify those items later. I think it would be a lot easier. I think it would probably allow us to zero in on that subject matter more particularly if we do it right at that time.

I must say to you that I really honestly believe I have broken only one promise in the year, and that is that I would buy you a drink at the end of the bill. I still owe you that drink. I reiterate that promise. I will buy you a drink at the end of the estimates. That will be for both the end of Bill 24—

**Mr. Eaton:** That will be two.

**Hon. Mr. Parrott:** We will negotiate that. We are not sure of that.

Interjection.

**Hon. Mr. Parrott:** Yes, I know, and I am worried about this escalation. I have \$13 million, provided you do not drink it all. We should be more serious.

There are several items that I hope the committee will honestly give me some advice on, because I am looking for that kind of assistance from you in this year's estimates. For instance, I had rather suspected that an item like 24D might have been raised prior to this time, but it has not. I had hoped you might, as an illustration, give me the benefit of your thoughts in an exchange on that. Your recommendations will be, certainly, very seriously considered.

I have no doubt that I will hear some criticism; I hope for some very positive, constructive suggestions. I will listen patiently to the criticisms and be even more attentive to the constructive criticisms.

I am glad that the member for Huron-Bruce (Mr. Gaunt) brought this caption here this morning. He knows I am going to read it into the record. Here it is. It's Snoopy.

**Mr. Gaunt:** I did not give you my permission, you know.

**Hon. Mr. Parrott:** May I have your permission to read this into the record?

**Ms. Gigantes:** That is three drinks.

**Hon. Mr. Parrott:** It says—and boy, is it ever right—"Doing a good job here is like wetting your pants in a dark suit. It gives you a warm feeling, but nobody notices." You will notice that, prior to the occasion of receiving it, I wore my dark suit, and the member for Huron-Bruce wore his light suit. So you will make your own judgements at the end of this morning's opening statements. The honourable member is going to give me a copy of that so I can duly post it in my office, and he will post it in his.

10:20 p.m.

There are a lot of subjects that I think we will want to discuss. Just quickly, may I identify them for you? The ones on which

I thought I would like to make some comments during the estimates are: acid rain, waste management, liquid industrial waste, identification of old waste sites, perpetual care fund et cetera, the whole package of carbonated beverage containers, our waste processing programs and fish testing programs. With that go some comments about our lab, and certainly some comments on environmental assessment, as well as items dealing with capital construction which, after all, for the estimates themselves, indeed are the major portion of our estimates.

While I am speaking on that, you will notice that on page 47 there is a misprint on information services. It was printed twice, on page 47 and on page 49. As to the one on page 47, I think there is a sticker there for you to scrub that out. It was simply a printing error. It was last year's, and was a duplication. I apologize for that.

With those very brief remarks, I would like to conclude, but I would like to reserve some time to make more formal comments about those subject matters. Prior to turning it back to you, Mr. Chairman, I have two invitations to the members of this committee. I would like to read those to you.

The first is in regard to Dr. Richard St. Barbe Baker. I would like to extend an invitation to all of you on behalf of myself and my colleague the Minister of Natural Resources (Mr. Auld), to hear a special address by one of the world's outstanding conservationists, Dr. Baker. He is visiting us from New Zealand and is a part of a forestry fact-finding tour across North America and South America. He is, believe it or not, 91 years of age, and has had an illustrious career.

He is a founder of the Men of the Trees, and I suspect you are all well aware of that great organization. It is very active in my own riding of Oxford. They do an absolutely magnificent job. He is responsible for stimulating and inspiring the planting and preservation of millions of trees throughout the world, from the giant California redwoods to the smaller varieties planted in Canada's own prairie and shelter belts.

I hope you might join us tomorrow, Thursday, May 29, at 1:30 p.m. in the Ontario Room North, the Macdonald Block, to welcome this dedicated conservationist and to enjoy his brief remarks to us. I know it might not be possible for everyone to attend, but we would certainly welcome you.

There is one that is of more particular importance to you, Mr. Chairman. Dr. Walter Lyons and my deputy minister could give you a few more details on this than I can.

Dr. Lyons is known as the Weather Wizard, with WLS-TV in Chicago. He has a PhD in geophysical science. He works with Dr. William Wilson, the Environmental Protection Agency's environmental pollution transport program director. He has a film we think is outstanding, and which would be very beneficial for the members of this committee. It is approximately 20 minutes in length and recaps what is known about pollution transport on the North American continent.

It specifically points out the continental, or wide-scale aspects of weather phenomena, and how they influence the long-range transport of air pollutants. More important, this film will eliminate any doubt about the need for an international agreement in order to resolve the acid rain problem.

The information that is to be presented is composed of many still shots taken from the US weather satellite system and worked up using Man Computer Interactive Data Access System—what is that acronym?—MacIDAS computer at the University of Wisconsin. The film is entitled Satellite Observations of Persistent Elevated Pollution Episodes."

The only date we can get him, I believe, is June 3. Is that right, Mr. Deputy?

Mr. Scott: Yes.

Hon. Mr. Parrott: That, of course, would conflict with the committee's hearing time. If you would like to see that film, I would leave it up to you, Mr. Chairman, and to the committee, whether that would be part of the time for estimates or an add-on; but I think it would be a very worthwhile film to see.

I am finished, sir.

Mr. Gaunt: How long is it?

Hon. Mr. Parrott: Twenty minutes.

Mr. Chairman: You no doubt have received, Mr. Gaunt and other members, this timetable. Have you other copies?

Ms. Bryden: Yes, I have given them to the clerk. He has copies for everybody, I think.

Mr. Chairman, I would like to move this as a tentative proposal for our time allotment so that we do not spend all our time on one vote and run out of time for other votes, and so that we have some sense of what each session will be devoted to, so that we can notify other members who are interested in those particular subjects. Also we may use this as a framework and a guide to limiting our own remarks to some extent, so that we can fit whatever we consider to be the most important item within the times allotted.



There is one point that I would like to draw to your attention particularly; it is that on Wednesday, June 4, I am proposing that an entire sitting be devoted to a follow-up on the resource development committee's report on liquid industrial waste, which was tabled in December 1978. We did have a very brief follow-up on that in early 1979, in February, I believe, but we have not had any follow-up on that report since then. I think, since it is such an important topic, that it would be valuable to spend one entire sitting dealing with all the aspects of the disposal of liquid industrial waste.

**Hon. Mr. Parrott:** I can speak to that for two and a half hours if you would like. I could use it all.

**Ms. Bryden:** I am sure all of us could speak for two and a half hours on the subject, Mr. Minister.

As to the question of the film that you just raised, if it is only 20 minutes, I would think it could possibly be worked in by meeting at 7:30 or 7:40 on the night of June 3. Certainly I would like to see the film that you have mentioned, but I am putting this proposal of time forward for discussion.

You will notice I have left the last three hours of our 18-hour session for any unfinished business. This means that if we do not feel we have completed a particular vote, I suggest that we move on to the next vote on this schedule, but reserve time on that last morning for coming back to any vote that members feel they have not dealt with adequately.

**Mr. Gaunt:** Mr. Chairman, I agree in general terms with the outline proposed. In terms of the liquid industrial waste report, one could spend a whole day on it and still not cover it all. I am a little hesitant to take up the entire time with respect to June 4, vote 2103, on that matter only. I think there are some other matters, as well that require discussion. While the main part of the discussion obviously will centre on the question of liquid industrial waste, I hesitate to cut off entirely any other discussion under that vote. That is the only qualm I would have.

In terms of the film, sure, I would like to see the film. Perhaps we can consider it as part of the minister's leadoff statement.

10:30 a.m.

**Hon. Mr. Parrott:** If I use seven minutes and 29 seconds I have made my contribution.

**Mr. Gaunt:** If we meet at 7:30 some night, it is quite all right with me.

**Hon. Mr. Parrott:** If we meet on June 3 at 7:30 p.m.

**Mr. Eaton:** He said it was going to be part of his statement. Now you are adding on.

**Mr. Gaunt:** It is not an add-on; it is part of the 18 hours, but the minister did not have a formal statement so I—

**Mr. Eaton:** Why not eight o'clock?

**Hon. Mr. Parrott:** We will get the film here for June 3, and prior to that time we will firm up whether it is 7:30 or 8 p.m.; is that fair? But we are agreed unconditionally either at 7:30 or eight o'clock that night the film will be shown.

**Ms. Gigantes:** Mr. Chairman, if I could, I would like to follow up the questions that Mr. Gaunt has about the proposed timetable. It seems to me that if we are dealing with vote 2103 for two sessions of two and a half hours each, as well as with this schedule, then if we are able to stick to the timetable we would be left with three hours at the end for any unfinished votes. If Mr. Gaunt feels there may be more matters under vote 2103 that he wishes to discuss, we would be dealing with a potential total of eight hours in which we could consider matters under vote 2103. I am wondering, with that in mind, whether he might not be willing to accept the proposal for two and one half hours on the report on liquid industrial waste.

**Mr. Gaunt:** I am sorry, Mr. Chairman, I did not follow my friend. I make it five hours—

**Ms. Gigantes:** Right.

**Mr. Gaunt:** —two and a half on Wednesday and two and one half on Thursday.

**Ms. Gigantes:** But at the end, if the honourable member will look at the last section, June 11—

**Mr. Gaunt:** Oh, yes, unfinished business.

**Ms. Gigantes:** —unfinished business. It seems to me that it allows us the scope of up to eight hours if we need it for vote 2103, which would be getting close to half the estimated time.

**Mr. Gaunt:** Right.

**Ms. Gigantes:** With that padding there at the end, bearing in mind what the member for Huron-Bruce has stated in terms of his concerns that there may be other items in vote 2103 on which he wishes to spend more time, would that not accommodate that problem?

**Mr. Gaunt:** There is only one problem with that, and I am speaking not only for myself, but for my colleagues as well, who have some concerns under vote 2103. The difficulty in using the unfinished-business

item of three hours is that, once we pass that vote, I think it is very difficult then to tag it on at the end. We would be on vote 2104. If we stayed on vote 2103 and then came back to it under unfinished business, I would be quite agreeable to that.

**Ms. Gigantes:** I think that would be acceptable to us. If vote 2103 is not finished to the satisfaction of Mr. Gaunt and his colleagues by the time we have gone through five and a half hours, with two and a half hours allocated for the liquid industrial waste report considerations, then I am sure our representatives would be glad to leave vote 2103 open so that items under that section could be discussed under unfinished business in the allocation of three hours.

**Mr. Gaunt:** That is acceptable to me.

**Mr. Chairman:** Acceptable. We will follow this, but I am going to make one suggestion. I think we might start at eight o'clock and if we need extra time for this 20-minute film we can put in the extra 20 minutes on Wednesday. It is a little hard to get people here at 7:30 on one night when eight is pretty well the regular meeting time. Some of them have commitments by the time they get here. I think perhaps, as the minister says, it is very worth while to see this film on this particular subject. To have two or three members here at 7:30 p.m. while the rest miss the film is not of much value in that way as far as they are concerned. I think we could stick to the regular time and, if necessary, see the film on a Wednesday morning when nobody will be tied up too much. In agreement?

**Ms. Gigantes:** Is that Wednesday, June 4?

**Mr. Chairman:** June 11.

**Ms. Gigantes:** June 11 at 9:30 a.m.?

**Mr. Chairman:** No, no. We will start—

**Ms. Gigantes:** I see.

**Mr. Chairman:** Yes, perhaps 9:30 a.m. because that will give us sufficient time.

**Ms. Gigantes:** Good. It will not come into your three hours.

**Hon. Mr. Parrott:** Mr. Chairman, would you sum up? We have agreed on the schedule, with what variation?

**Mr. Chairman:** The only thing is that on Wednesday morning, June 11, instead of starting at 10 o'clock we will start at 9:30 a.m.

**Hon. Mr. Parrott:** But are we going to include those votes on those dates? It is important to us from a point of view of staff. If no vote carries, then I have to have all

the staff here all the time, which is a bit difficult.

**Ms. Gigantes:** I think the only question might come under vote 2103. We should know by the end of the evening, Thursday, June 5, whether in fact we will have to continue 2103 on Wednesday, June 11.

**Mr. Gaunt:** Mr. Chairman, I will be a little longer with my remarks than the minister was, but I realize that we do have time constraints so I will move it along.

We are dealing with the estimates of the environment, which are very important and are perceived to be important by the public as indicated by the Decima Research Ltd. study, that study that we grateful taxpayers paid \$56,000 for. We might as well make use of it. It ranks a clean environment right up there with being respected by one's family and being a Canadian. Being respected by one's family rated 92.43 per cent; being a Canadian, 91.27 per cent; a clean environment, 90.06 per cent.

So I do welcome the opportunity to discuss the estimates of the Ministry of the Environment because it gives me another chance—the second within six months, roughly, as the minister has pointed out—to review the performance of the minister and ministry, and to discuss the direction of policy programs for the next 12 months. Along the way I know there will be many specific matters raised, some of which are crying for action, and others in which action was taken but the action was inadequate or inappropriate from our point of view.

As far as the minister's performance in the past six months as Ontario's environmental guru is concerned, it has been uneven, sometimes inconsistent, and tending to take one step forward and two steps back. I will expand on what I mean by those remarks during the course of these comments. The minister has been in this portfolio for almost two years—two years in August, I believe—and he should now be in a position in which he is in command, and in which he has the feel, the pulse and the throttle of the ministry. After a promising start in which the minister exhibited a good attitude and a willingness to learn and act, I do not now have the sense that the minister as yet really has a handle on the ministry.

Let me convey some concerns. If I can be philosophical for a few moments, I want to talk about concerns I have with respect to Ontario's traditional approach to water quality management. The concerns range from specific problems which exist in certain provisions of the statutes used to contro-

water pollution, to more general issues such as the philosophies underlying the standard-setting process in the pulp and paper industry and, in particular, with respect to Inco Limited.

In order to portray these problems to you, I have selected two issues as examples of falling short of the mark. They are: the setting and enforcement of environmental standards in the pulp and paper industry, and acid rain, a warning of the consequences of not using an ecosystem approach in these matters.

The Fisheries Act is the federal government's chief vehicle for combating water pollution, and the regulations and guidelines made under it are intended to be the minimum, and to be applied across Canada. The provinces are free to set stricter standards under their own legislation, and to enforce whichever rules are stricter. Both federal and provincial water quality legislation is enforced in Ontario by provincial officials.

The federal effluent standards are prepared on an industry-by-industry basis, and are based on measuring what comes out of the end of the pipe. Regulations are set to conform to the best practicable technology as distinguished from the best available technology, which could impose a stricter standard. However, before 1977, the Ministry of the Environment had not used the Fisheries Act to enforce water pollution control in Ontario, and, in the main, prosecutions have been under the Ontario Water Resources Act or under the Environmental Protection Act.

10:40 a.m.

Air quality standards in Ontario have been made as enforceable regulations under the Environmental Protection Act, but no such regulations exist with regard to water quality. Under section 62(1)(k) of the Ontario Water Resources Act, the minister may make regulations "prescribing standards of quality for potable and other water supplies, sewage and industrial waste effluents, receiving streams and water courses"—but no such regulations have ever been made.

The ministry has rejected this approach in favour of the guideline approach as set out in the ministry's publication released last year entitled, *Water Management: Goals, Policies, Objectives and Implementation Procedures*. This is a revision and expansion of the 1970 *Guidelines and Criteria for Water Quality Management in Ontario*.

The present approach involves the setting of water quality objectives through a com-

mittee process that consists primarily of dialogue among a group of technical experts who are expected to set quality levels by consensus. These objectives are flexible, according to practical ability to meet them and the prime use determined, such as recreational purposes, effluent disposal and so on.

The ministry attempts to obtain compliance with these objectives by negotiating a pollution abatement program with the discharger. If such an agreement cannot be made or is not complied with, effluent requirement and other control measures will be stipulated in the control orders or requirements and directions.

The question as to whether province-wide ambient water quality standards should be established to replace the existing guideline approach so as to enable more effective enforcement, is one that has been the subject of considerable debate for many years. Proponents of the guideline approach argue that what might constitute a desirable water quality standard in one location may be inadequate for another locale.

Varying specific circumstances such as the flow or volume of the water body, waste discharges, dispersion of effluent, depth and width of water body, type of substrate, and other non-point sources of contaminants, are all factors which also must be taken into account in establishing effluent requirements. Another argument against setting inflexible standards is that what starts out as a minimum level of water quality that must be maintained is very likely to end up as the maximum.

Opponents of the existing flexible guideline approach—and I am one of them—argue that the absence in Ontario of legally enforceable standards for water quality, either in the receiving water or in the effluent, hampers enforcement because of the need to prove, in every case, that significant and measurable harm is being caused by that pollutant in that magnitude.

Last year Mr. Ron Reed of the Federation of Ontario Naturalists suggested, as a counter-argument to the ministry's defence of the need for flexible guidelines, that ambient standards will merely establish a minimum level of water quality within the water body as a whole. Therefore, how the contribution of one particular industry fits into that depends upon a whole host of factors: the size of the river, the number of other polluters, and so on, so that a certain degree of flexibility is still permitted and maintained.



Whether or not one favours the guideline approach as the most desirable, the fact remains that problems do exist with Ontario's existing policy for inducing compliance with abatement requirements. In this respect, I noticed with interest a comment made in the 1978 Great Lakes Water Quality Board's annual report, released last July, on the different Canadian and American approaches towards the development of remedial and regulatory programs to prevent or reduce the input of pollutants to the Great Lakes system. We talked about this last year in the estimates in October. I think it worth repeating.

That report says: "Any valid comparison or evaluation of Canadian-US environmental legislation must consider the end result; that is, how close each has come to achieving the common goals or objective."

Having read that, we then turn to a couple of pages where there appears a table indicating the compliance with domestic requirements of dischargers in the Great Lakes system during 1978. We talked about this last year as well. Out of a total of the 96 Ontario industrial dischargers listed in the Water Quality Board's point source inventory, only 49 or 50 per cent met our effluent requirements in 1978. This compares very unfavourably to a compliance rate of 76 per cent, or 275 out of a total of 362 US industrial dischargers listed in the same inventory. Our record clearly gives us no cause to be proud in that respect.

**Mr. Kerr:** That is comparable, all of those things being considered.

**Mr. Gaunt:** I think there are some differences in variables in that regard, but the fact still remains that we have a poorer compliance rate than does the US. That is the point I am making.

**Hon. Mr. Parrott:** We do not have the easy cop-outs.

**Mr. Gaunt:** That is from the minister's point of view.

**Hon. Mr. Parrott:** That is from fact.

**Mr. Gaunt:** From our point of view we see it as a poor compliance record. That is the way I see it. The minister can argue it from his point of view.

To highlight some of the shortcomings inherent in Ontario's present approach to water management, I would like to focus my discussion on the government's policy with respect to pollution control in the pulp and paper industry; this was the subject of rather extensive review undertaken in 1979 by the standing resources development committee, in which most of us here participated.

The pulp and paper industry serves as a good example to illustrate the deficiencies in our current laws, policies, guidelines, standards and criteria for controlling water pollution and maintaining water quality. Not only is it Canada's largest industrial employer—many Ontario communities depend entirely on the industry for their livelihood—it is also one of Ontario's largest polluters of water.

Although pollution abatement objectives relating to pulp and paper effluence were first set by the province in 1965, and were to be met by 1969, the current status of pollution abatement efforts of the 31 pulp and paper mills discharging waste directly into Ontario waters bears witness to the sad lack of progress in the past 15 years.

At the end of last year, only 10 mills had completed their abatement programs and had met present ministry requirements. Three were proceeding on schedule with voluntary negotiated control programs, while the remaining 18 were working with greater or lesser determination and success on compulsory programs established by the ministry. Six Ontario mills were actually discharging higher levels of BOD at the end of last year than they were in 1970, and three mills were discharging more suspended solids in 1978 than in 1970. That was at the end of the year.

Since that time I believe the ministry has issued five new control orders. Some are extensions, I believe, but basically I think the information as I just conveyed it is still applicable.

The ministry attempts to obtain compliance with its water quality objectives by first negotiating a voluntary abatement program with each mill. Under the terms of the program, the mill must agree to install required treatment and disposal facilities over a specified period before it can obtain program approval from the ministry. If such a program cannot be agreed to, or is not complied with, the ministry may impose a legally binding control program by issuing a control order. Failure to implement programs specified in control orders renders the mill liable to prosecution and fine.

The shortcoming of this process is this: once voluntary programs receive program approval or have control orders imposed, the ministry and the public lose all right to prosecute, so long as the program or order is complied with by the company.

In May 1979 the province's prosecution of Abitibi Paper Company Limited for the pollution caused by the Iroquois Falls paper mill was halted by the Ontario Court of

Appeal. The company argued that it was attempting to comply with Ministry of the Environment requirements under a program approval, while the ministry maintained that the agreement did not constitute a formal program approval giving immunity from prosecution, since the agreement had not actually been signed by the director of the improvement programs. The appeal court rejected the ministry's argument and ruled that the agreement was a bar to prosecution until the time for compliance had lapsed.

In a brief to the standing committee on resources development, the Canadian Environmental Law Association stated that a further problem with the control order process is that the order does not take effect until all appeals are exhausted. This may be a matter of years rather than months or weeks. It suggested that as a result the ministry, knowing it cannot enforce its orders, is under great pressure to accept such abatement measures as the polluter offers to undertake.

I think this is particularly the case and underscores the point in reference to Inco. I think that is exactly what is happening. This also applies to the situation wherein a company appeals the stringent conditions that the ministry may have imposed on a licensed certificate of approval for new or expanded facilities. Where prosecutions have been successful and convictions obtained, average fines for failing to meet standards have been rather low.

0:50 a.m.

Another concern that has been considered a factor in the ministry's limited success in ensuring abatement is the financial capacity of the industry, and fear of economic repercussions if companies choose to shut down operations rather than make the required pollution abatement investment. The government's \$100 million assistance program to the pulp and paper industry is supposed to address this problem; but a number of reservations have been expressed over the criteria for qualification for assistance.

It is generally recognized that the older and less efficient mills, which are most in need of modernization expenditures, are usually the worst polluters. Yet, it is their very lack of modern equipment which makes them least capable of generating the required capital for modernization and pollution abatement equipment. Therein lies a vicious circle. The older, less efficient mills, which score low in the Employment Development Fund's criteria of economic viability and commer-

cial rate of return, are less likely to qualify for assistance; yet these are the very same mills that are the grossest polluters.

Another difficulty we have with the government's assistance program is the nature of assistance given, namely, outright grants. We would rather see assistance taking the form of loans or some other type of return for the taxpayers' investment.

Several options for the improvement of the existing abatement mechanisms are, I think, implicit in the criticisms I have just made. These would include amendments to those current provisions in the EPA and the Ontario Water Resources Act which grant companies immunity from prosecution so long as they comply with the control order or voluntary abatement program. I think these should be changed. There should be more vigorous prosecutions for noncompliance, with minimum fines set and with higher maximums. There should be greater public input into the control order process. I know the minister is going to say that he has improved that, and he has, to an extent; but I think that we can still have greater improvements in that particular area.

Also, I would like to mention two alternative policy tools as replacements for supplements to program approvals and control orders. We have talked about these before.

First, the delayed automatic penalties would involve all operators automatically paying a penalty if they defaulted on their obligations under an order or approval. In this way, the cost, delay and uncertainty of using the courts would be avoided, and the polluter would know well in advance the consequences of noncompliance.

The second policy tool would be the use of effluent fees or pollution charges. This concept, in its simplest form, would make companies liable for a payment to the government for each unit of pollutant above a certain level of discharge into the environment. The polluter thereby would have a continuing economic incentive to improve his performance, and the funds generated from these charges would be rerouted back to the industry for pollution control purposes. The standing committee on resources development did, in fact, request in its recommendations that the ministry evaluate these alternatives, and that this review be completed and released by the end of last year.

I know we did have some discussion with respect to those two matters. I think I know the minister's position, as well, on those two items, but I do not think the in-house review has been completed; at least, I am not aware



of it and I would like the minister to comment on that when he has a chance.

Another concern I have with water quality management in Ontario is this: management of our water resources in the past has focused too heavily on just a few of the many components of the ecosystem. An ecosystem approach is outlined in an excellent way in the 1977 report of the International Joint Commission's research advisory board. This report deems the ecosystem approach essential if we are to be effective in our water pollution abatement efforts. Planning and management of our water resources require an understanding of the total ecosystem and the diverse interactions which occur within not only its chemical and physical but also its biological and societal components.

Historically, we have overemphasized control of urban point sources of pollution—mainly municipal and industrial waste waters—and relied heavily on the measurement and control of the chemical and physical qualities of water. While these activities are most important and must continue to form a vital part of our overall strategy, water and water quality considered in isolation of other system components, stresses and measures, will prove insufficient to restore and enhance the quality of the water.

The need for an ecosystem approach has become painfully obvious with the manifestations of the adverse affects to our lakes and streams occasioned by toxic substances, land use activities and, particularly, airborne pollutants. An example, and it is an alarming one, is the environmental tragedy known as acidic precipitation, which has been increasing in severity for the last 20 years.

I should return just by way of an aside to the Decima survey which indicated: "When the respondents were asked how serious a problem they felt acid rain is, 65 per cent replied that it was very serious, 24 per cent said that it was somewhat serious and five per cent felt it was not very serious. When the respondents were asked if they thought the provincial government could be doing something about acid rain that it is not now doing, 59 per cent replied yes, 28 per cent said no and 16 per cent had no opinion. Of those respondents who felt the provincial government could be doing more, 46 per cent felt that they should tighten controls on industries, and 17 per cent felt that they should be doing more research and investigation."

**Hon. Mr. Parrott:** What would be the results if they did?

**Mr. Gaunt:** Acid rain can be directly traced to coal-burning power plants and smelting operations that excrete sulphur and nitrogen oxides; these are then oxidized into the dehydrate of sulphuric and nitric acids. These pollutants become travelling chemical clouds, following the wind without respect for international boundaries. When rain or snow passes through them, the acid returns to the earth in a diluted form. This rain, on the average, is 25 times more acidic than normal rainfall.

Acid levels in Ontario have been recorded at up to 400 times the normal levels. At least 11 ounces of sulphuric acid fall on every acre in southern Ontario per year. Serious and widespread soil and forest effects are expected over the next 25 to 100 years if the acidity remains at current levels.

Acid rain has the greatest negative impact on lakes and streams. In Ontario, 140 lakes—many in prime cottage country—are dead, written off permanently; another 48,000 will become biologically sterile within the next 15 to 20 years because of acid rain.

Since the source of acid rain is an international and interprovincial problem, it is a difficult threat to regulate. I admit that. I appreciate it. While the United States contributes a majority of acidic pollutants, Ontario has the dubious distinction of having North America's largest single point source of sulphur dioxide: Inco at Sudbury. Inco has a long history of "attempted" provincial regulation.

As my leader recalled on Monday at his press conference, in 1970 the Ministry of the Environment issued a control order on Inco requiring the company to reduce its emissions to 750 tons per day by the end of 1978. Throughout most of the 1970s, the company continued to emit approximately 3,600 tons per day. In 1975 the company developed and discussed with ministry officials a plan to reduce sulphur dioxide emissions to 1,500 tons per day by the end of 1979. Inco, a year after having made this proposal, withdrew its offer, claiming it was no longer economically feasible.

Essentially, MOE failed to capitalize on this proposal. Inco argued that a cleanup of its emissions would result in massive amounts of sulphuric acid which would be impracticable to store or sell. The validity of this argument was never studied by the ministry, nor did the ministry try on its own initiative to determine whether technologies used elsewhere in the world could be made to apply to the Inco situation.



In December 1978, MOE amended the order and allowed the company to continue to emit 3,600 tons per day, which, strangely enough, was the amount of sulphur emissions the company was putting out at the time.

Three weeks ago in the Legislature, the Minister of the Environment announced yet another draft control order on Inco, this time limiting total emissions to an average of 2,500 tons per day, down from the 3,600 tons per day allowed under the last order. The ministry announced that this amounts to a 46 per cent reduction in the company's emissions. The ministry, however, did not mention that the company, having limited its nickel production because of market conditions, is already at approximately 2,500 to 2,600 tons per day of emissions.

The MOE's order then calls for Inco to install the equipment necessary to reduce emissions to 1,950 tons per day by December 31, 1982. It also instructs the company to conduct a study by December 1981 as to how it will reduce emissions to the lowest possible level after 1982.

1 a.m.

Last fall, the company announced the discovery of a new pyrrhotite separation process that would permit a 25 per cent reduction in its emission. In effect, the new draft control order which asks the company to reduce from approximately 2,500 tons per day to 1,950 tons per day by the end of 1982, amounts to the approximate 25 per cent reduction that the company has informed us it is prepared to undertake. The fact of the matter and it is so disturbing—is that Inco sets the control order and the ministry complies, not the other way around. The evidence is there; in every case, the evidence is there.

**Hon. Mr. Parrott:** That could not be further from the truth, and I cannot let that go in the record without strongly disagreeing. The honourable member thinks Inco liked the last order, he really must misunderstand exactly what is happening. He has paid no attention whatsoever to the task force, which is extremely important; it negates what he is saying, and there it is. It is clearly on the record for the world to know that they will participate, they will operate. It will have public participation, and the honourable member is glossing over that. I am not going to interrupt too often but those two, I think, justify patience because they are realities.

**Mr. Gaunt:** I point out to the minister that it would not matter what level the ministry set; the company would object. I am convinced it is a game with them.

**Hon. Mr. Parrott:** But, with respect, the honourable member implied that they told us what to do. There was no way that was a fact of life in this last order.

**Mr. Gaunt:** I am just indicating the evidence and it appears—

**Hon. Mr. Parrott:** You do not have the evidence. That is the point.

**Mr. Gaunt:** I have cited some evidence—

**Hon. Mr. Parrott:** No, no.

**Mr. Gaunt:** —which I think leads me to that conclusion. I am aware that the company fights back and argues with every control order which is imposed, but in the end it has no difficulty in meeting it.

**Hon. Mr. Parrott:** And in the end, the company has reduced its emissions by a large amount. Your leader has forgotten to tell the world that, and indeed it has happened. Do you think it would have happened without our control orders?

**Mr. Gaunt:** It may not have. But the point is that the ministry, in setting a control order, set it at a level that the company had no difficulty in meeting, even though it objected. If you had not had the control order, it could be argued that the company would not have been impelled or propelled into doing research and that kind of thing. It can be argued that way, and it would be a logical argument to put forward from the minister's point of view. I am simply saying that over the years traditionally, and historically, the company has had, in the final analysis, no trouble in meeting those control orders. It has been no great hardship to them.

**Hon. Mr. Parrott:** They have spent a lot of money, and we have now gone from 7,000 down to 2,500, and then, without the technology proven, to 1,950 in a pretty short period of time.

**Mr. Gaunt:** You are biting into my 30 minutes.

**Hon. Mr. Parrott:** I will give you that.

**Mr. Gaunt:** The ministry maintains that Inco's contribution to the acid rain problem is minimal, particularly in the Muskoka-Haliburton area.

**Hon. Mr. Parrott:** We never said that.

**Mr. Gaunt:** It does not have a great impact.

**Hon. Mr. Parrott:** We never said that.

**Mr. Gaunt:** What did you say?

**Hon. Mr. Parrott:** We have, I think, very consistently said—and the area study discussed yesterday indicated Inco's impact very

conclusively—that we are prepared to admit and to accept and to condemn the fact that Inco bears full responsibility for a proportionate share of the amount of emission. That really should be the bottom line. If they contribute 10 per cent of the emissions in North America, then they deserve to be criticized for 10 per cent of the problem, or for whatever share of it that they contribute. We have always taken the position, to keep them fully responsible for their share of the emissions. I think it is the only common denominator—that you can attribute a proportionate amount of blame.

**Mr. Gaunt:** That is the minister's position, and he released three reports yesterday which basically supported that position. Those reports did not coincide with the reports mentioned on Monday by my leader, the Atmospheric Environmental Services report—

**Hon. Mr. Parrott:** One was theory and one was practice.

**Mr. Gaunt:** We can argue that. The AES report prepared by the federal Environment Canada revealed that Inco contributes up to 40 per cent of the sulphur being deposited in Muskoka and its environment.

**Hon. Mr. Parrott:** It only said the model suggested that it is possible.

**Mr. Gaunt:** This is a much higher percentage than any figure referred to by MOE. Granted, the minister says it is a model. Suggestions have been made—

**Mr. Riddell:** Wait till the horses stop racing because of eating acid-rain-infested crops and then we will see Inco come down to 750 tons.

**Hon. Mr. Parrott:** On that day I will trade one of my horses for one of your cows, and I am not sure who will get the better of the deal. They will both need their teeth looked after and that is the only chance I have of winning.

**Mr. Gaunt:** Suggestions have been made that Inco's attempt to recover its sulphur emissions and market them for eventual use as fertilizer is worth pursuing. It has not been attractive to Inco, so the ministry has not pursued it.

A report funded by the Economic Council of Canada examined the costs of abatement at Inco's Sudbury smelter, and provided an analysis of methods by which Inco could sell its recovered sulphuric acid, and/or combine this with phosphate rock deposits in the Cargill township area, for the purpose of creating a fertilizer manufacturing industry in the province.

In addition, this report noted that the \$430 million cost of a new smelting process at Inco can be appreciably offset through the finding that approximately \$287 million of this will be recovered in energy savings.

Now I do not know whose reports are right and whose reports are wrong. The minister says his reports are right, while somebody else says their reports are. I do not know. I am not capable of deciding whose reports are right. Frankly, I suspect that the truth lies somewhere in between.

**Hon. Mr. Parrott:** Is that not the value of our task force?

**Mr. Gaunt:** Perhaps it is, it is certainly one of them.

All I know is that, from my point of view, the ministry's dealings with Inco on environmental cleanup matters have been and continue to be a disgrace, with the company calling the music and the ministry dancing to the company's tune. It will always remain, I think, a blight on the environmental record of this province.

We have been talking about it for years and, frankly, I am sick of it. I would like to get on to other things. But I really do not know what it takes to move the ministry to get Inco to really clean up. They have the dollars, and why the ministry does not insist on Inco's cleaning up to a greater extent than it has, I do not know.

**Mr. Riddell:** It involves a \$400 million investment and a \$300 million saving in energy; \$100 million is not much to Inco.

**Mr. Gaunt:** I want to turn now to annex 12 of the 1978 Great Lakes Water Quality Agreement. As the minister knows, I have put a question on the Order Paper regarding this. Perhaps, for the record, I should indicate what annex 12 of the Great Lakes Water Quality Agreement says. It deals with persistent toxic substances and says in part:

"General principles:

"(a) Regulatory strategies for controlling or preventing the input of persistent toxic substances to the Great Lakes system shall be adopted in accordance with the following principles:

"(1) The intent of programs specified in this annex is virtually to eliminate the input of persistent toxic substances in order to protect human health, and to ensure the continued health and productivity of living aquatic resources and man's use thereof.

"(2) The philosophy adopted for control of inputs of persistent toxic substances shall be zero discharge.



"(b) The parties shall take all reasonable and practical measures to rehabilitate those portions of the Great Lakes system adversely affected by persistent toxic substances.

"Programs:

"The parties, in co-operation with the state and provincial governments, shall develop and adopt the following programs and measures for the elimination of discharges of persistent toxic substances:

"(a) Identification of raw materials, processes, products, byproducts, waste sources and emissions involving persistent toxic substances and quantitative data on the substances, together with recommendations on handling use and disposition. Every effort shall be made to complete this inventory by January 1982.

"(b) Establishment of close co-ordination between air, water and solid waste programs, in order to assess the total input of toxic substances to the Great Lakes system and to define comprehensive integrated control.

"(c) Joint programs for disposal of hazardous materials to ensure that these materials, such as pesticides, contaminated petroleum products, contaminated sludge and dredge spoils and industrial wastes are properly transported and disposed of. Every effort shall be made to implement these programs by 1980."

11:10 a.m.

In relation to my question regarding the studies and projects undertaken under the terms of this agreement, the answer tabled on April 21 indicated, "An ongoing joint federal/provincial program to develop an information base for industrial commercial use of suspected chemicals, including their characteristics and data on environmental effects in releases to air, water and land, is under way.

"The program, comprising a federal cost of \$237,000 and a provincial cost of \$100,000, will result initially in an inventory of sources by 1982 of the priority list of chemicals identified by the International Joint Commission as contaminants found in each of the basins of the Great Lakes. The inventory will be kept up to date as new information becomes available."

Get out your pencil, Mr. Minister, I have a number of questions. Who is doing what? What is the federal ministry doing and what are you doing? How is this inventory of toxic chemicals to be developed? Are the individual companies in Ontario being contacted or surveyed, and if so, by whom? Have trade associations, such as the Canadian Manufacturers' Association and the Ontario Petroleum Association, been contacted specifically for the information? If not, how does one expect to get a good handle on what chemicals are

being manufactured, and by whom? For the ministry's part, is the work being done by consultants or by your own staff?

In regard to the location and use of waste disposal sites, the minister has indicated that a list of disposal sites would be published later this year, and that further investigation of some of the sites would require monitoring and remedial measures. What remedial measures does the minister have in mind? I understand that there are some 800 old sites across the province, and I am wondering if I can have that information once it is available.

Incidentally, I understand there is a ground water study undertaken by Hydrology Consultants Limited, I think, under a Mr. Nunan. What is happening in regard to that? I think there was some problem with a disposal site at Corunna; at least it was reported. If that is the case, what is it?

With respect to long-term liquid industrial and hazardous waste facilities, the consultant's report is expected in 1980. The question is, when in 1980? Is it going to be November or December of 1980?

In regard to the Ajax liquid industrial waste treatment plant and what it will handle, I am wondering who is correct. The minister has said publicly, "The 35,000 gallons of 2,4,5-T will be disposed of at a permanent liquid industrial waste treatment plant." Is the minister thinking of Ajax? If he is, the proponents of the Ajax project have stated to the Environmental Assessment Board that no pesticides would be treated at that proposed plant. If the minister is thinking of Ajax, that is certainly directly opposite to the information being given to the board. If not, where will these pesticides go?

Annex 12, section 3(c) calls for proper disposal of pesticides. What specific programs does the minister have for dealing with the specific requirement in annex 12 of the 1978 water quality agreement? In short, the agreement calls for "the identification of emissions of persistent toxic substances by January 1982, the assessing of the total input of toxic substances into the Great Lakes system and the undertaking of programs for disposal of hazardous materials." It says this should be done by 1980.

It is obvious to me that the disposal problem, including that of pesticides, is not going to be dealt with within the time frame mentioned. I would like the minister's response to this.

This leads me into the final area with which I want to deal at the moment. It con-



cerns the funding of citizens before the Environmental Assessment Board.

The minister made a statement on April 17 in the House, and I have to tell you I read that thing over four or five times and could not understand it. I put it down to my advancing age until I found out, by accident actually, that the lawyer for the ministry at the hearing in Ajax, who was asked to read this statement, did not understand it either. Neither did the chairman of the assessment board hearing. He could not understand it. He decided to study it and come back the next day. I have the exact transcript of that day.

On April 22, he said in part: "It," meaning the board, "has concluded that the minister's statement merely confirms what is the board's statutory authority at the present time. It neither enlarges it nor makes it any different. Under the existing legislation, the board has the authority to obtain further information, particularly if it feels there is a conflict in the information it has been provided at the hearing. It has full authority to do that on its own—to lead evidence and to offer that witness for further cross-examination."

I do not know what the minister means by new funding arrangements. I would like the minister to describe to us in detail what the new funding arrangements to be put in place are, as indicated by his April 17 statement. We just do not know. The Environmental Assessment Board has always had the authority to call expert witnesses at its own discretion and have them paid for. Such expert witnesses, when called by the board, would be led and cross-examined, first by the board's legal counsel, and then it would go on from there. Such witnesses are generally called by the board in instances where the board finds contradictory testimonies before it.

The citizens in Ajax are asking for funding assistance to enable them to call expert witnesses and to hire technical consultants of their own who could plead their case before the board. This is the same arrangement that the Ministry of the Environment has with the applicant of this proposal, namely the regional municipality of Durham.

I suggest to the minister that there is an injustice being done here. I think that the ministry is financing the applicant to the tune of \$170,000 for consulting fees and possibly \$100,000 for legal fees; yet the citizens of Ajax have to do their own fund-raising. Actually, they have done very well at it. I understand that a delegation from Ajax came in to meet the minister and the Premier (Mr.

Davis) and to ask them for financial support from the government. I gather that the minister's April 17 statement was the response.

I would urge the minister to clarify the matter. I do not think we should play with the issue any longer. Simply give them an outright grant. It is simple: no fuss, no muss. We would avoid all these complicated statements that no one, apparently, can understand. I do not think it does the ministry's image any good.

**Hon. Mr. Parrott:** A blank cheque to every citizens' group? Expand on that.

**Mr. Gaunt:** No. I think there are criteria that the ministry could develop to assist groups of this nature.

**Hon. Mr. Parrott:** But here is an opportunity for you to give me that.

**Mr. Gaunt:** I am talking in general terms. This is my leadoff. If you want me to do it under the appropriate vote I will do it. Okay?

**Hon. Mr. Parrott:** You will have the terms of reference?

**Mr. Gaunt:** I do not do your work for you. Do you want to give me your legal counsel so we can draw up the terms of reference?

**Hon. Mr. Parrott:** No, but you know my position. I would like to know yours.

**Mr. Gaunt:** I would be glad to give it to you. If you want to give me your legal counsel, I will draw them up.

**Hon. Mr. Parrott:** You have resource funds, you know.

**Mr. Gaunt:** We have some, but not as many as you have. So I leave it at that. But I suggest to the minister that it is an important area and one to which he should give further consideration, because I do not think his statement of April 17 advances the cause in any way.

**Ms. Bryden:** Mr. Chairman, I have also read the Decima public opinion poll which, as my colleague the member for Huron-Bruce said, was paid for by the taxpayers, but provided a lot of rather revealing information about the Ministry of the Environment. It did reveal that of the 991 Ontario residents interviewed, 74 per cent said protecting the environment was a very serious issue. An overwhelming majority saw governments as having the responsibility for stopping pollution, but 81 per cent said the polluters should pay. These are points of which I think the minister should take very careful note.

11:20 a.m.

When asked to rate their attitudes to various statements, a significant number agreed strongly that the provincial Ministry of the Environment is far too soft on companies that pollute. They also strongly agreed that provincial environmental legislation is not tough enough.

I think we can cite a good many chapters and verses on both of those things. If we look back at Dow Chemical or Reed Paper, we certainly see the failure to be tough. Certainly, we can see great gaps in our environmental legislation, particularly the absence of any opportunity for people to obtain standing before the courts in order to protect their environment through legal processes, unless they can show a direct pecuniary interest in a particular instance of environmental degradation.

The findings of the Decima public opinion poll seem rather at variance with the speech from the throne, in which the government boasted that Ontario has "one of the toughest environmental protection programs in North America." If the words that are in the throne speech could be believed, that might be good public relations. But it is hard to regard as tough a program which is still letting almost 40 per cent of our liquid industrial waste go into landfill. There is no set target date for phasing out this highly inappropriate way of disposing of liquid wastes, many of which are toxic.

It is not a tough program when it lets most of the private sector and large areas of the public sector escape environmental assessment. It is not a tough program when it relies mainly on guidelines rather than mandatory standards. In many cases, such as that of asbestos, the guidelines date back many years and are likely to be out of date and not in line with modern research.

We still have no method of disposing of PCBs in this province, nor do we know how to destroy the pesticide 2,4,5-T which contains a form of deadly dioxin. Certainly, a tough ministry would not have contemplated disposing of it by spraying it into the Ontario atmosphere.

Is it being tough to leave the regulation of gravel pits and quarries largely to the Ministry of Natural Resources, letting them decide whether the environment is being disturbed by the activities? As a result of their supervision, many who reside in the vicinity of pits and quarries have had their lives made unbearable by noisy, round-the-clock operations, noisy trucking, dust and other nuisances. I draw the minister's attention particularly to the Beachville situation in his

own riding, as a case in point. It seems to me that the Ministry of the Environment must take more responsibility for supervising the environmental effects of pit and quarry operation.

I ask, is it being tough to let the Toronto Harbour Commission go ahead with dredging operations in the Keating Channel without an environmental assessment, when the need for the dredging has not been clearly established? Ministry officials have reported that the Toronto Harbour Commission's practices in past operations violated water quality regulations. Also, there are doubts about the chosen disposal site for the sludge, and about the engineering plans.

I understand that both the Ministry of the Environment and Environment Canada have said that the undisturbed silt in the Keating Channel does not pose an environmental or flooding problem. So why rush ahead before looking at the problem and assessing it?

I think an assessment is particularly called for because the Toronto Island water intakes for part of Metro Toronto's water supply are fairly close to the area where the sludges will be deposited. These sludges, I understand, contain some very toxic metals.

It also seems highly questionable to deposit toxic sludges adjacent to the Leslie Street spit, which is basically both a recreational and an environmentally sensitive area. People may be fishing and swimming in that area.

I would like to ask if the ministry has officially authorized this dredging for this spring and summer. If it has, will the minister put a stop order on it, in the light of these points raised by myself and others in the last few days, until he is sure that his water quality objectives will not be violated, that fish habitats will not be disturbed, and that the method and place of disposal will not allow the escape of these toxic metals into lake water used for either drinking or recreational purposes?

I think, however, that the greatest weakness of the ministry is undoubtedly the failure to take vigorous action against the major causes of acid rain. The minister's proposed new control order on Inco is little more than an acceptance of their current level of emissions. In your own brief on the Inco control order dated May 1980, you state that emissions in 1980 are up to 2,623 tons per day, whereas the control order will allow 2,500 tons per day for the next two years. I presume when the report says "up to 2,623," that the average is probably somewhat below that figure of 2,623. Thus, the proposed



control order does little more than authorize what is going on now under Inco's present production levels. It will still allow the company to spew out over 900,000 tons per annum if it operates seven days a week—900,000 tons per annum of sulphur dioxide until the middle of 1983.

Moreover, the minister is still letting Ontario Hydro operate coal-fired plants around the province without requiring them to install scrubbers or other pollution abatement devices. Five plants, namely Nanticoke, Lambton, Lakeview, Lennox and the R.L. Hearn plant, produce a total of almost 500,000 tons of sulphur dioxide per annum. The proposed 400-megawatt plant at Atikokan will add a further 9,900 tons per annum in a particularly sensitive area. How can Canada put pressure on the US authorities to control the emissions from their coal-fired plants if we are not putting control orders on our own electrical generating plants?

I would like to ask the minister if he has obtained from Hydro a cost estimate and feasibility study for installing scrubbers and other abatement measures to reduce substantially the SO<sub>2</sub> and NO<sub>x</sub> emissions from these plants? If so, will he table these cost estimates and studies for this committee? If not, will he place on Hydro a control order or a requirement to produce such cost estimates and studies for the coal-fired plants, including the proposed one at Atikokan? Only by this sort of action can we make our position before the United States credible, in that it would indicate that we are concerned about the emissions from our coal-fired plants.

11:30 a.m.

It is hard to understand why you are so timid about Hydro, Mr. Minister. Nanticoke is the second largest source of sulphur dioxide in Ontario, and the largest source of nitrogen oxide. Darlington is still exempt from environmental assessment, even though the construction has been postponed for at least 18 months to two years.

I do not believe that the minister has ever publicly responded to Hydro's submission to the Porter Royal Commission on Electric Power Planning. In their brief, presented in April 1979, they argue that Hydro should be relieved of the environmental assessment process because of their obligation to review overall energy policy repeatedly.

They suggest an amendment to the Environmental Assessment Act "to ensure consistency with energy policy." This proposal is clearly directed at the provisions in the

act which require a proponent to show need for a project, alternative ways of proceeding with it or possible alternatives to the project itself.

Earlier, in December 1978, the ministry's own brief to the Porter commission made a strong case for full environmental assessment for Hydro projects. Will the minister now publicly back up that statement, or comment on Hydro's proposal that they should be relieved of the obligation to undertake environmental assessment?

If he is so committed to the policy in the ministry's brief, will he show his conviction by now removing the exemption on Darlington, especially since this was recommended by the environmental assessment's steering committee under Dr. Donald Chant?

Getting back to the Inco control order, I want to talk particularly about the proposed public meetings to take place before the order is finalized. In his press release announcing the proposed order, the minister said there would be opportunities for public scrutiny and comment. I say the public scrutiny he is now proposing is a public sham.

The ministry's press release announcing the dates of the public meetings is dated just eight days before the deadline for briefs. It was not tabled in the House, so MPPs, who should have been able to alert their constituents, did not receive it until several days later, if at all.

The public information sessions at which the ministry officials will answer questions—and I understand Inco will also answer questions about the proposal—are to be held after the deadline for briefs. In fact, they are to be held just two days before the public meetings.

Advertisements about the meetings were placed only in the northern press, despite the fact that the minister had refused my request in the Legislature that hearings be held both in Sudbury and in the Muskokas and Toronto. He had replied that he expected people from southern Ontario to travel to Sudbury for the hearings, but he gave no notification in the press of the time and place and the deadlines for briefs.

Pollution Probe informs me that it received notice of the hearings only from a contact in Sudbury on Monday of this week. They have since received—

**Hon. Mr. Parrott:** There were press releases. There were press reports. There were both.

**Ms. Bryden:** But their first notice was on Monday, from a Sudbury contact. They have since received notices in the mail. It gives them only a day or two to prepare a brief.



The Canadian Environmental Law Association informs me that it received a letter this morning dated May 21, sent from the Sudbury branch of the ministry. They have one day to prepare their brief and get it up to Sudbury by Friday. I do not know whether the mails will accommodate them on that.

It is recognized that a significant proportion of the acid rain falling—

**Hon. Mr. Parrott:** Can I ask one question?

Do you think that people and organizations who are very interested in this would not have followed the discussion on that? It was a pretty well publicized concept. Would they not be well aware that we were talking about meetings in early June? I would think maybe a private citizen might not have read every word on the thing, but I cannot imagine—as an illustration, to use your point—that CELA would not be well aware that those meetings were going to be held in early June.

**Ms. Bryden:** I think everybody expects an official notice of the exact time. As a matter of fact, in the House you said June 5, or something, but actually it did not turn out to be June 5, it turned out to be June 4.

Most citizens and organizations wait for an official notification of the terms, the deadlines and so on before they decide whether to prepare a brief. They often have to have meetings to prepare their responses. I think this is just making it a complete sham if the citizens have no time to prepare briefs or to arrange to get to Sudbury. There are all sorts of problems involved with having the meeting only in Sudbury.

**Hon. Mr. Parrott:** What worries me is that on the same breath you are saying we are procrastinating and doing all these things, and then when we try to do something you say we should take a lot more time to do it. We get it in the neck both ways. If we delay it several times, the argument is, "Get on with it." If we try to do it quickly, then there is not enough time. Either way, we get the criticism. I can understand the logic and the value of that criticism, but—

**Ms. Gigantes:** Do it quickly, but let people now how you are doing it.

**Ms. Bryden:** We have been asking for a revision of the Inco order for a couple of years, ever since it was issued.

**Hon. Mr. Parrott:** So you are not really caught by surprise. You will not have this problem, but others might.

**Mr. Mackenzie:** People cannot get off work on a week's notice, they have to make arrangements to attend such a meeting.

**Hon. Mr. Parrott:** That is the reason we are having it in Sudbury. I think it is important that the people there who are very knowledgeable and informed have that opportunity. If you are going to break the principle, I think you would want all of the meetings in Toronto, and all the other areas. All of the people in Ontario are interested in a variety of subjects, and you could use the same logic to have the meetings here, whether the subject is acid rain, industrial wastes or a dozen and one odd subjects that would be of interest to a cross-section of people. So you would spend all your time here.

**Ms. Bryden:** It is recognized that a very significant proportion of the acid rain is falling in the sensitive Muskoka-Haliburton area, where the lakes are not well buffered, and that while the new studies may show a lot of it is not coming from Inco but from the south, your studies do not show whether some of it may be coming from Nanticoke or from Canadian southern sources. So it is not entirely an international question.

But as to what is coming from Inco, including these nickel and copper metal emissions, the people in Muskoka should have the opportunity to see that the order is as tough as it can be to stop those emissions, should they not?

Actually, the plume from the superstack at Sudbury has been tracked as far south as Toronto. I think the people in Toronto also have a concern. We all have a concern because of the effect of acid rain on our tourist industry, our recreational industry, and our forests.

**Hon. Mr. Parrott:** As a matter of genuine interest, have you any reference—and perhaps my ministry has, I do not know, this is a question I ask you on a personal basis because I know the amount of reading you have done—have you seen those similar kinds of studies for other plumes and sources? In your research, have you seen the kind of detailed, event study—that is, a storm pattern, being considered as an event? Have you seen other people do research on where they think plumes are going, or where storms are depositing emissions? Have you seen that, as you have researched the subject? I have not, but that does not mean they are not around.

11:40 a.m.

**Ms. Bryden:** There are these reported studies from the federal government which are not going to be released, I gather, until

the middle of June, which have different figures from the ministry's figures.

Hon. Mr. Parrott: I meant from a source in Ohio, or in New York, or in—does Sweden do this kind of tracking? Obviously, we do not think that has much impact on us here, but I am saying, have other countries, other societies—

Ms. Gigantes: You know they do not?

Hon. Mr. Parrott: No, I do not.

Ms. Gigantes: Why are you asking a rhetorical question?

Ms. Bryden: Certainly, Sweden knows that it does not come from Sweden.

Hon. Mr. Parrott: I am not asking a rhetorical question. I am saying that I have not seen that; have you in your research? It was not a rhetorical question. I was just plain interested in whether other people have done these events. I do not know. You can ask my staff if they know. They may very well know. I do not know. I have not seen them.

Ms. Bryden: The point I think we can make is that there is still need for further investigation, particularly in the light of the difference between the ministry's figures issued yesterday and the figures reported from the federal studies as to the impact, even on the Muskoka area. Also, the figures issued yesterday do not tell us about dry depositions, which can be a large factor in the deterioration of the Muskoka-Haliburton lakes. This is something that the citizens of that area perhaps would like to question; that is, whether the control order is controlling the dry depositions as well.

The reports tabled yesterday on the emissions from Sudbury did point out that there was serious nickel and copper pollution in the lakes around Sudbury, directly attributable to Inco. We do not know how much of this is moving farther afield. There is a table in one of the reports showing that about one half of it is deposited within 50 kilometres of Sudbury. But where is the other half going?

This same table, which is on page 37 of the report titled *An Analysis of the Impact of Inco Emissions on Precipitation Quality in the Sudbury Area*, does show that of the wet deposition of sulphur coming out of the stack, only 0.9 per cent is removed within 50 kilometres of its emission. This means the other 99.1 per cent is being spread somewhere on the North American continent. We do not know how much of it is going to Muskoka.

Hon. Mr. Parrott: I agree. There is no doubt about that. That is absolutely true.

It is also equally true, as we said in the small exchange with the member for Huron-Bruce, that the other sources are doing the same thing. So it seems to lead to the logical conclusion that each becomes 100 per cent responsible for its share. We zero in on only one or two sources. I just want us to look continually at the broad picture as well as at the narrow picture. I think that is good thinking, and is important as we try to address the problem.

If what the member for Beaches-Woodbine said is true about Inco—and it absolutely is; do not argue that with us this afternoon—it is also equally true of other point sources, as I think the honourable member would agree.

Ms. Bryden: I was mentioning the Hydro coal-fired plants as other point sources that are second in importance—

Hon. Mr. Parrott: But that leads us to those total emissions figures which have a ratio of 7:1—Ontario versus the US. We must look at those figures as part of our concern and interest in the way we address the problem.

We must look at both the individual problems wherever there are source emissions as well as at the co-activity of those sources.

Ms. Bryden: Agreed. But we are not going to stop lakes from dying if we keep on saying that Inco is only part of the problem, and we are not as tough as we can be on Inco.

Hon. Mr. Parrott: I agree that we have to be as tough as we can be on Inco. But I hope you would also agree that if we were infinitely tough on Inco and got the emissions to zero, we would not obtain the impact on our lakes that you expect. It is no defence of Inco, not at all. It should never be construed as that. But I think the basic fact remains: you can put Inco to zero, and if that is all we do, then we do not save our lakes.

Ms. Bryden: I cannot accept that, because those studies of what happened during the strike do not cover the dry depositions, and they do not cover the entire picture.

Hon. Mr. Parrott: You cannot accept that? I think that is an important point we are talking on right now. You say if we had Inco to zero, we would have our lakes.

Mr. Mackenzie: Surely you do not do anything in isolation, Mr. Minister. If you take positive action that means something at Inco, you are going to start the ball rolling on some of the other points as well, which you are going to get at and address. What you

are talking about is the overall picture, but you have to start with these obvious polluters.

**Hon. Mr. Parrott:** I agree, and that is what is happening. That is exactly what is happening. But I think it is important that we realize two things. We must address Inco, there is no arguing about that, but we cannot address it and hope for success if that is the only thing that is done on our North American continent, I would hope you and I could agree on that.

**Ms. Bryden:** I agree that we are more likely to get some action from the rest of the continent on other point sources if we appear to be working on our two main projects.

**Hon. Mr. Parrott:** That is a quite different thing. I do not think you can prove that. You surely cannot prove that. That really is out in left field. The reverse is true. The scary thing about this is that the other emissions are going up and going up drastically. That is what is scary.

**Ms. Bryden:** But your credibility and your bargaining power is weaker if you are not doing what you can do on your own point sources.

**Hon. Mr. Parrott:** I think that, in everyone's terms of reference—and I am obviously biased, I am prepared to accept that—the statements of the last few weeks by the federal House and from Vermont have not supported the idea that our bargaining position has been weakened. Indeed, the absolute opposite is suggested; our bargaining position has been significantly strengthened.

**Mr. Mackenzie:** I think you are adding to pollution by initiating smoke screens, Mr. Minister.

**Hon. Mr. Parrott:** That is how you would see it, and it does not happen to be true. I mean, it is good stuff, but we also have to deal with reality.

**Mr. Mackenzie:** That is exactly what we are trying to do.

**Ms. Bryden:** Getting back to the hearings, by refusing hearings in southern Ontario you are telling a great many people whose environment may be degraded by the Inco emissions that they really have no say in the standards proposed in the control order. This includes cottage owners, tourist operators, forest operators all kinds of people and generally people who just enjoy the recreational facilities of southern Ontario. You are denying them the opportunity to have any say in that control order.

**Hon. Mr. Parrott:** No.

**Ms. Bryden:** How can they, without even having had a newspaper notice, have any say in those—

**Hon. Mr. Parrott:** Direct communications. You know that is not the only place the voice can be heard. That is one.

**Ms. Bryden:** But they have no opportunity to see the plans, to see the control order, except by going to your office here in Toronto.

**Hon. Mr. Parrott:** Anybody who wants it can get that draft. We will be glad to send it to them, and have done so. We will be glad to hear submissions, and we do.

**Ms. Bryden:** But there is no time as far as I can see. On the subject of the time element, I cannot really see that the urgency is there because, as I have pointed out, the emission levels that you are proposing in the order for the first two years are almost the same as what Inco is now putting out. It does, therefore, give us time to have proper hearings and perhaps to improve this order with regard to the things that are omitted from it, such as the deposits of copper and nickel metals—the emissions of copper and nickel which are causing concern both to the public and to the ministry, or so I gather from your statement.

**Hon. Mr. Parrott:** One thing I would say, and I think Mr. Bidell puts it very clearly: No brief will be turned down if it does not hit that deadline.

**Ms. Bryden:** But you will not make any commitment to have a hearing somewhere in southern Ontario afterwards?

**Hon. Mr. Parrott:** We are going to be in other places. I am going to Muskoka to hear the concerns and discuss the problems with them, not on this specific control order, but on the total concerns of precipitation. We have been a lot of places. So (a) they can submit briefs, and (b) there will not be this formal kind of hearings relative only to one issue. We will have hearings and we will have meetings and we will receive delegations on a continuous basis.

11:50 a.m.

**Ms. Bryden:** But you have said that the control order process is something which you are opening up to the public so that they can have some say in what goes into a control order. You are not giving the people of southern Ontario, Toronto and Muskoka any opportunity to discuss that control order because they will not have the information meetings, they will not have the order in front of them—



**Hon. Mr. Parrott:** Are you now asking me to have meetings all over Ontario on all control orders?

**Ms. Bryden:** No. I am asking you, on this particular one which affects a great many people, to have a meeting somewhere in the Muskoka-Haliburton area and in Toronto, to cover a large number of people in southern Ontario who are affected and who are concerned.

**Hon. Mr. Parrott:** Think of the great amount of interest in pulp and paper industry control orders. That would be equally true. I think the member for Huron-Bruce made the case that control orders in the pulp and paper industry were one of the major concerns of people. That would lead us to believe that we should have those kinds of hearings duplicated many times throughout the province. I do not think the honourable member separated pulp and paper control orders from the Inco order as not being of as serious magnitude. So if you do it for one you logically do it for all.

**Ms. Bryden:** I do not think any problem is of more widespread concern than acid rain, and possibly no problem has more effect on their future lifestyles and incomes. It is, generally, whether they have a lake system left. You have to start somewhere. I do not really think we have proper public hearings on control orders in the locality where they are situated. We just have public meetings, which are not really hearings.

Certainly, those are my feelings about the Inco order. I really would like to see the minister reconsider his position on not having any hearings at all in southern Ontario. I do not think he will convince people that he is really interested in the input on that particular control order without such meetings.

Some of the other topics on which I hope we will spend considerable time have been mentioned by my colleague from Huron-Bruce. Other topics on which I would like us to spend considerable time are: the question of liquid industrial waste, on which we agreed to have a special sitting, and the question of the abandoned dump sites which were located last summer by the students.

I have heard no program for doing further research on what is in some of those dump sites, even those for which there appear to be records indicating that liquid industrial wastes or toxic substances were deposited in them. I see nothing in the ministry's summer employment program, as outlined in Experience 80, to indicate that

students will be employed on that particular project this summer. I would like to know what plans are underway for finding out if we have any Love Canals in Ontario. We have certainly seen the long-term effects of the Love Canal across the border in New York. I think it is very important that we get on with locating our abandoned dump sites.

I would like to get an updated report on where we are on the perpetual care proposal. There was a task force set up a year ago which produced a report in August 1979. We have heard nothing about it since. We have seen no legislation. What is happening to closed landfill sites right now? What protection is there for third parties if they encounter hazards from closed sites? Is it still possible to build housing on an abandoned site? Is the minister monitoring them to prevent that sort of thing from happening?

The member for Huron-Bruce particularly mentioned the hearings that are going on for the two solidification plants in the Ajax industrial or liquid waste plant. He pointed out that in these cases the minister appears so anxious to get them accepted that he is becoming in effect a proponent on these proposals. In the case of the solidification plants, he is prepared to put up to \$100,000 into the company's costs if they lose the application, but he is not prepared to do anything for the citizens who wish to oppose the application or to ask for other facts to be brought out.

In the case of the Ajax plant, he is putting up \$160,000 for the regional municipality of Durham to make its case before the Environmental Assessment Board, but he still stonewalls on making any sort of grant to citizens' groups for their research and briefs to these environmental hearings. They have to dig up the money from voluntary contributions and cannot deduct their costs from income tax or from future charges for the service, as a company can.

I find that even your recent announcement that you were formalizing the provisions of funds for expert witnesses turned out to be a snare and a delusion. We learned that the decision on who is to be called is still entirely at the discretion of the Environmental Assessment Board, and that there is no appeal from their decision. Also, the witnesses whom they decide to call still remain their witnesses, that is, the witnesses of the board and not of the group requesting them. As a result, the board's lawyer is the person who leads them through the examination and the group can only cross-examine.

This is not really giving any substantial assistance to the citizens' groups who wish to present alternative points of view and to see that all points of view are adequately presented.

I submit that you will not get public acceptance for environmental hearings if the citizens feel the hearings are stacked against them because of gross inequities in the resources of the groups appearing. I cannot agree with the minister's statement in a recent letter to me that:

"The ministry already acts on behalf of such groups by applying considerable resources to ensuring the full disclosure of information during the hearing's process. The government is thus acting for and on behalf of the people, so that they may have access to complete details, and I am not prepared to make further public funding available."

I do not think you can convince citizens that the ministry that has made the control order is acting on behalf of the citizens' group. Neither should it be acting on behalf of the proponent. The citizens' groups want the opportunity for an independent appraisal of both the proponent's case and the proposed order, and I think that is the only way you are going to get any sort of acceptance for location of these facilities: that is, after adequate hearings and adequate environmental assessment for all of them. We still do not have the Ajax hearing under the Environmental Assessment Act. It is only under the Environmental Protection Act, which is narrower in its terms of reference. It does not allow for the examination of alternative sites and things like that.

The minister goes around the province saying nobody wants a waste site in his own backyard. That may be true, but people certainly do not want it if they do not feel that they are being told the entire story as to the risks, what is going into the site, and what precautions are being taken to mitigate any deleterious environmental effects. They certainly also want to be assured that the minister will enforce any terms he places on the person who in any event, does get a licence for a waste disposal site. Another great weakness of the ministry is that they have not convinced people they are a strong enforcer, particularly on landfill sites and what goes into them.

2 noon

I recall that the people in Harwich feel that the site there has not been monitored or supervised the way it should be, and the people fighting the Genoa site up near Owen

Sound also feel the ministry's record of enforcement on the site that is now being used by the city of Owen Sound is not adequate. Therefore, they are not prepared to accept any new proposals or terms until they are convinced that the enforcement practices of the ministry are greatly strengthened.

I have one or two requests for information. I would like to say that recycling is a topic that has had very short shrift in these estimates in past years, mainly because it was usually the last vote. This time we have allotted one full session of two and a half hours to it, but because we have had so little discussion of it in the past, I would like to request certain pieces of information to be tabled with the committee ahead of time so we can have a more meaningful discussion of the whole question of recycling and waste management.

As we all know, the ministry tells the school kids that there are four Rs to protecting the environment. The first and most important is to reduce waste. The other three are reuse of waste, reclamation of wastes where possible, and recycling of wastes.

I would like the minister to provide us with the following pieces of information to speed up the deliberations when we get to the subject:

1. What per cent of solid waste is being recycled or reclaimed in Ontario, where is this being done and by what facilities?

2. What per cent of solid waste is being converted into energy in Ontario, and where is this being done?

3. What quantities of Metro Toronto's solid waste are being handled at the Downsview recycling plant? What per cent is being recycled or reclaimed and what per cent is simply being transferred to landfill sites? What landfill sites are being used and what is their expected lifetime?

4. Could we have a financial statement for the Downsview plant, showing the fees charged, revenue received, costs of operation, and profit or loss for the most recent years?

I would like one other piece of information. I notice the update of the hazardous substances list and handbook was promised a year ago to this committee for March 1980. Is that handbook and list available yet?

I would also like to point out that under standing order 33(b), before the consideration of the minister's estimates, the statutory annual report of the ministry for the immediate past reporting period shall be presented to the House, unless reasons are given to the House for noncompliance. I don't be-

lieve that has been done. My recollection is that the annual report for last year came in about six months after the estimates, so I hope we can—

**Mr. Gaunt:** December.

**Ms. Bryden:** The estimates were in the fall, so it was not that far back, but we did not draw attention to standing order 33(b) last time.

Just to sum up, I feel the minister is still operating on window-dressing legislation without strong enforcement and without strong control orders and action to make the polluters pay. If he continues in this way we may need what was suggested in this morning's Globe and Mail by Professor Paul Aird, namely, an environment ombudsman.

I think the present Ombudsman does have jurisdiction in cases where the ministry does not carry out the law, but I think Professor Aird had a much broader role in mind for somebody who would see that our environment was protected.

It may be that we should consider such a proposal anyway, but we also do need an opportunity for citizens to use the courts to protect their environment. The minister has still done nothing to carry out the promise of his predecessor, the Honourable George Kerr—I think it was in 1976—to bring in legislation providing for class actions and other amendments to the legislation which would give citizens standing in the courts on environmental matters where their own pecuniary interest was not necessarily involved directly.

I believe that when Bill 185 came up last year the minister did not vote for it. I hope he will have changed his mind on that by now.

**Hon. Mr. Parrott:** I have made fairly comprehensive notes here. I don't know how much time it will take, Mr. Chairman; I don't think I will need to answer all of them at this time.

As an overall comment to both the opening statements, what I find is a complete lack of any comparisons with other jurisdictions in Canada, except where it is very convenient to do so.

For instance, the Decima report was quoted at length, and it very clearly says that the people of this province think our environment is good. I agree with them; it is good. I also believe it is improving, and I think I can illustrate that point time and time again. Our environment is good and it is improving.

The air quality index is an illustration. If you study what has happened in the last seven years or so, and that index is now an everyday occurrence, you will find it very

clearly indicates the quality of our air in this province is improving.

(That is the kind of thing I would like you to address on occasion, because I think it is easy to forget the progress as we dwell on the things we have yet to do. I admit there are things yet to do. But I do become discouraged on occasion. I think it is unfortunate that we in this Legislature do not spend more time on the accomplishments. I guess it never will be that way. That is not the way the system functions. But I must, on occasion, step back and look and bring to your attention the improvements that have occurred.)

Another illustration of that point is the significant improvements in the quality of the Great Lakes that have occurred in the last 10 years. I don't think anybody argues with that. Fish species are returning there, and isn't it marvellous that they are?

While it is fair game to put on the record what is yet to be done, I think it is equally fair game to take a perspective that says we do have a good environment. I bring that from the Decima report. Fortunately for all of us, we know it is improving.

12:10 p.m.

One of the things that continually bother all of us is this comparison between guidelines and standards. It is hard in many places to have the time to make the case. I am afraid, particularly when we are compared to the standards in the US, people so frequently forget in putting forward that comparison the number of exemptions to the existing plants in the US. Surely that is what it is all about, namely, how we deal with what is real and what is here today as opposed to what may occur tomorrow or what plants may be on stream tomorrow.

Our problem is to deal with those that are with us right now. The standards of the US, which is their way of going, sound so good until one looks at the number of exemptions they have put into effect on the existing plants. Let me give an illustration. You talked about the Great Lakes and various developments in those Great Lakes. Cleveland puts in 60 per cent of the phosphorus from one source, yet it becomes one loading.

**Mr. Gaunt:** Is that an industrial discharge?

**Hon. Mr. Parrott:** I am talking about the total phosphorous loading.

**Mr. Gaunt:** From the city?

**Hon. Mr. Parrott:** From that city. We fail to measure the scope and the size. Leaving that aside, I think our guidelines do have many advantages and some disadvantages. The only way to judge guidelines versus



standards is to look at the true analysis of the performance. On that basis, I think we stack up pretty well.

**Mr. G. I. Miller:** Can I ask one further supplementary on Cleveland? Are they improving?

**Hon. Mr. Parrott:** I suspect they and we are improving.

**Mr. G. I. Miller:** Do you have a percentage of what it was 10 years ago, compared with what it is today?

**Hon. Mr. Parrott:** My deputy tells me Cleveland is not doing very much.

**Mr. Gaunt:** I think I mentioned last year we do a very good job in terms of sewage treatment. You may recall it. It is recognized by the International Joint Commission and by those who study the situation that we are doing a very good job in that aspect.

**Hon. Mr. Parrott:** But they have some advantages in doing their industrial treatment, because frequently that is put into the municipal treatment procedure. Maybe many industries and sites get lumped into one. If you do the comparison of one by one—and there was a little of that in your opening statement—then our compliances don't look quite so good, because we do it one by one. They tend to lump a bunch of them into a municipal sewer, and that is not a good compliance either. Maybe a whole bunch gets lumped into that one statistic as only one versus one of ours.

I don't know whether we can make the case that standards are better or not as good as guidelines. I think there are values in both and we should recognize that. If anyone thinks that standards are adhered to and don't have many exemptions—and I'm sure you know they do—on existing plants, then we're probably both operating on a very similar situation and the standards have far less meaning than perhaps in theory they should.

Turning to another problem, there is this worry for all of us about the effectiveness of our courts. You asked for greater fines. Nothing would please me more than to have higher fines. I have to be a little cautious here, particularly since my deputy is a lawyer and he understands the finer points of law far better than I do. I am not very content with how successful we have been in the courts. I don't think that is the fault of our legal department or indeed of our intent. There is a totally different perspective in the judicial world.

That was probably the greatest concern I had when your leader presented his bill. It

put so much emphasis on the courts. Frankly, the record of what the courts are doing is a long way from good. They are not supporting our enforcement procedures to the degree I think they should. That is a pretty general comment. I had better leave it at that or I will be in contempt. But no one would like to see more fines and tougher results to our prosecution than myself.

**Mr. Gaunt:** They provide cookies and milk down there, Harry, so you had better be careful.

**Hon. Mr. Parrott:** Yes, I know. I had some personal experience, where I thought our case was extremely well made and we got a rather surprising decision on the part of the court. I know I am embarrassing you, Mr. Deputy.

I don't know how far you want me to reply to your comments now. I have many of them noted. We have Mr. Gaunt's comments about acid rain, but we will be coming to that under another vote. I will save those comments until then. On toxic substances you suggested zero emission.

**Mr. Gaunt:** No, I said that was Annex 12. I read that.

**Hon. Mr. Parrott:** Yes, I know. On toxic substances, I don't think any of us would argue that zero emissions are the objective. I would remind you we must have some facilities in place to be able to reach that. We will talk about facilities as we go along in our discussion.

The funding of citizens' groups was another item you raised.

**Mr. Gaunt:** Excuse me; before you leave that, do you have any answers to the questions I posed? I gave my questions away. I am working from memory. You have my questions.

**Hon. Mr. Parrott:** All right. Who is doing what? How is the inventory being assessed? Have we contacted the manufacturers' association? How is the contract we should have? Those are some of the questions that are down. When will MacLaren's second report be out? I have Brad Drowley's name opposite that. I thought he would answer that. He is out for the moment, but he knew I was going to say that. He will deal with those specific questions. He made note of them at the time you raised them. I made note of four or five of them. Brad will have those answers as we get to the appropriate vote, but we have made note of your questions.

Both of you talked at length about the funding of citizens' groups.

Mr. Gaunt: Will you read that statement again, Harry? I want to hear that one more time, with feeling.

Hon. Mr. Parrott: It had some real value. We never said and I don't think the statement said, that they did not have the power to do so. We admitted that in the statement. I don't have that statement here, but if you would like me to get it I will.

12:20 p.m.

Mr. Gaunt: I have a copy here.

Hon. Mr. Parrott: May I have it?

Mr. Gaunt: Do you want it?

Hon. Mr. Parrott: Yes.

Mr. Gaunt: Okay. My notes are on it.

Hon. Mr. Parrott: I will try to apply myself to those.

Mr. Gaunt: Do you have difficulty with that?

Hon. Mr. Parrott: No.

The point was that the board had not been using that method very extensively, if at all.

Mr. Gaunt: But it was available to them.

Hon. Mr. Parrott: Yes, it was available to them.

Mr. Gaunt: So the statement does not change anything in that respect?

Hon. Mr. Parrott: No, we did not pretend it did. I don't see anything in there. We wanted them to know that the funding for that was in place. If we were to achieve this we were putting into place these funding arrangements. Technically, they were there but they were not being used. So we were saying as clearly as possible, to our minds at least, that we hoped the board would use the funding arrangements so that they would bring in these witnesses there. They have not.

Ms. Bryden: It sounded like a new program.

Mr. Gaunt: I thought it was a new program. That was the impression I had.

Hon. Mr. Parrott: I don't think it says it is a brand-new program.

Ms. Bryden: The funding was added to it.

Mr. Gaunt: That was the impression that I had; let us put it that way.

Hon. Mr. Parrott: They are an independent board. You want them independent; so I was saying in the public forum that the funding was available and I would hope they would use it. That is a pretty clear signal. If I were to tell them who they would hear, you would not want me to have any part of that. You

would not like me to identify who they could use.

Mr. Gaunt: That isn't the point.

Hon. Mr. Parrott: I suppose that is why the statement was less specific than you might have liked it. At the same time, had I gone to a specific direction then it would be seen that I was directing the board in how they should conduct their hearings. Nothing could be further from your desire or mine. I wanted them to know the money was there, the arrangements were being confirmed and are in place, and they should use that opportunity to have the fullest possible hearing and to get the expert witnesses that are required. It was that simple.

Mr. Gaunt: I think though, Mr. Minister, the point is that the initiative rested with the board and still does.

Hon. Mr. Parrott: Yes.

Mr. Gaunt: The initiative, we were hoping, would reside with the citizens' groups so that they could indicate they had an expert witness whom they wanted to present testimony.

Hon. Mr. Parrott: They would make that case to the board. The group in Ajax, for instance, were told they would make their case to the board and the board would make the decision on the basis of their presentation of whether that particular witness would help the fullness of the hearing. I don't want to decide that witness is or is not able to do a better job than another witness at that particular hearing. That surely should be the board's decision.

Mr. Gaunt: So the citizens' group make their pitch to the board.

Hon. Mr. Parrott: For instance, they need a hydrologist and they think Dr. So-and-So would be an excellent person to do this. They need it for these reasons.

Mr. Gaunt: Let us presume the board accepts that. Who does the leading? Does the board's solicitor do the leading or does the citizens' group legal counsel do the leading?

Hon. Mr. Parrott: I stand to be corrected, but I think both are able to examine that witness either by leading or by cross-examination. They both have the opportunity.

Mr. Gaunt: But I think, from the standpoint of equality, the proponent's legal counsel does the leading when the proponent's expert is on the witness stand. Would it not be equally fair for the citizens' lawyer to do the leading when their expert witness was on the stand?

**Hon. Mr. Parrott:** I think, in this case, the municipality has that opportunity. They have a counsel.

**Mr. Gaunt:** I am talking about the citizens' group, their legal counsel.

**Hon. Mr. Parrott:** I think you forget that in that instance the legal counsel of the municipality by very definition represents the people of that community. I think that councils of Ontario would be a little upset if they thought they did not represent the best interests of their communities. That is why they were elected. They might not want to take the provincial overview, and therefore a council was elected with considerable resources. If they think the proposal is wrong—and you and I know that a lot of easy lobbying goes on at the municipal level—and if the citizens persuade their elected representatives and their councils of those municipalities to take opposition, then their lawyer would lead the inquiry of the testimony of that expert.

**Mr. Gaunt:** Is that not a shade tenuous? Councils do make mistakes; sure, philosophically they represent their people, but they do make mistakes.

**Hon. Mr. Parrott:** To be honest with you, I believe that the pressure—the grass-roots feel—is very acute in our municipal council. Council members are easily accessible to their electorate at all times and on all occasions. I can give you chapter and verse, time after time, where I am sure local councils have felt that they are in opposition to a proposal and have made their case. What disturbs me a great deal has been said extremely well by Dr. Porter, for as you now there is funding of citizen groups there. I made it very clear that they were not doing that on the basis of an adversary position. In his report he talks about funding of citizen's groups, not from an adversary position, but according to an inquisitory concept. They have no problems with that.

But you are invariably asking me to fund groups which are not saying, "We want to know about it." With respect, that is not the way it is coming through. Invariably, it is a citizens' group which says: "I do not want a hearing. Do not confuse me with the facts. I do not want it. I do not even want a hearing."

If there is any doubt on that, let me refer you to what are probably two of the classic cases right now in front of us: Harwich and Mississauga. They do not want a hearing. They do not want the project, period. It matters not what the hearing might tell them;

they just plain do not want it, and facts are not important.

**Ms. Bryden:** If that is an adversary position, it has not been taken into court.

**Hon. Mr. Parrott:** Then there would be no end to funding. I do want you to propose how to fund groups when they say: "I could not care less about the facts. There is no way I will ever accept this facility. I do not care what the guarantees are. No way, under no circumstances, will I accept this." You tell me the value of funding anybody who has unconditionally made up his mind for or against.

You see, the board is an independent body, it does not represent our ministry. I think you have confidence in the board as an independent body. They are to look at all sides. They now know it is a statement of public record—that the funds are available to look at all sides.

**Ms. Bryden:** They can see only what is put before them.

**Hon. Mr. Parrott:** No, they can call for more. If they are not certain that they have had a full opportunity to address the problems, they indeed have the right, through our saying in a public way, "We will make sure you have the money to do so." There might have been some reluctance on the part of the board in the past to spend those kind of dollars. There should not be any doubt in the minds of these groups that they can bring in the witnesses to hear the fullest testimony that the board can possibly have.

That is what I thought the Environmental Assessment Board was all about; not to take the side of somebody who is for, nor to take the side of those who are against. They understand their role. People who are unconditionally for or unconditionally against come to the board, but the job of that board is not to choose between those two—which is the better, which is right or which is wrong—but to make sure that they have satisfied themselves that they have had the total witness, the total understanding of that proposal. They can then, depending under which act it was held, make recommendations to the director or make a final decision.

12:30 p.m.

In my own county of Oxford, I have pleaded with these people, on the matter of their waste site, to go under the Environmental Assessment Board process hearing.

**Mr. Gaunt:** So you can consider alternative sites.



**Hon. Mr. Parrott:** That's right; and I can't force them into that. I have gone there and pleaded. I will be glad to show you the little bit of blood I get on me when I make those suggestions. I believe in the environmental assessment process unconditionally, as I believe in the board and what it does. Basically it represents the best interests of the people of Ontario without the bias other people might have, even our own staff.

**Ms. Bryden:** You don't give funds to enable the people who are against to present their brief, to do their research and to have their lawyers monitoring—

**Hon. Mr. Parrott:** We are sending the supply funds to those who, regardless of the facts, say no, period. They don't even want to hear you. They have gone that far in many instances: "Don't bother us with the hearing. We're agin it, period."

I want to conclude with one last sentence. Mr. Eaton wants to make one comment.

You said, Ms. Bryden, that I'm so anxious to get liquid waste facilities in this province that I seem to bend over backwards, and you are right; I make no apologies for that whatsoever. Nothing in this last year has consumed so much time as trying to get facilities to treat our liquid industrial waste. Not only do I want them, and want them now, but I want the best facilities in the world for Ontario. I believe we are on the road to having those facilities.

Last year we presented a plan of how we could get there—a cradle-to-the-grave concept. But nobody and no jurisdiction has been as aggressive as Ontario in that cradle-to-the-grave concept of looking after our industrial wastes. If I'm accused of being a little hasty, I will not apologize for that. Indeed, I am very impatient because I want two things. I want facilities to treat our waste, and I want to have the very best facilities in the world bar none. There are no Love Canals in Ontario.

**Ms. Bryden:** How do you know?

**Hon. Mr. Parrott:** You and I know.

**Ms. Bryden:** Have you looked into all those dump sites?

**Hon. Mr. Parrott:** We will talk about that. But we have a plan in this province; you have seen it. We haven't carried it out yet, but we have a beautiful plan well on the way to being carried out. The end result will be that Ontario will have the best facilities in the world for liquid industrial waste.

**Ms. Bryden:** On a point of order, Mr. Chairman: Could I draw the minister's attention to one page in his report tabled yesterday on Acidic Precipitation in South-central Ontario? On page two in the introduction it says: "Trajectory analysis, to determine the sources of acidity in precipitation, has been applied in Sweden, Norway and at sites in the northeastern USA. Several authors have studied airborne  $\text{SO}_4^{2-}$  in Ontario and its relation to long-range transport."

I hope he will look at those studies to see whether the writers of the report have considered this question of trajectory studies.

**Mr. Chairman:** Mr. Eaton, I think you have a motion to make.

**Mr. Eaton:** I have a motion to legitimize what we are doing.

**Mr. Chairman:** Mr. Eaton moves that subcommittee be struck to consider the annual report of the Workmen's Compensation Board for 1978, in accordance with this committee's order of reference, dated May 20, 1980. The subcommittee shall be composed of the following members: Mr. Lane, Chairman; Mr. Di Santo; Mr. W. Newman, Durham-York; Mr. Riddell; Mr. J. A. Taylor, Prince Edward; Mr. Lennox; Mr. Van Horne, and Mr. Wildman. The subcommittee shall have a quorum of four and substitution shall be permitted, provided notice is given to the chairman.

Motion agreed to.

The committee adjourned at 12:34 p.m.

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**From the Ministry of the Environment:**

Scott, G. W. S., Deputy Minister







No. R-21

# Legislature of Ontario Debates

## Official Report (Hansard)

### Subcommittee of the Standing Committee on Resources Development

Annual Report, 1978, Workmen's Compensation Board



**Fourth Session, 31st Parliament**

Wednesday, May 28, 1980

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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Chairman: Lane, J. (Algoma-Manitoulin PC)  
Di Santo, O. (Downsview NDP)  
Newman, W. (Durham-York PC)  
Riddell, J. K. (Huron-Middlesex L)  
Taylor, J. A. (Prince Edward-Lennox PC)  
Van Horne, R. (London North L)  
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# LEGISLATURE OF ONTARIO

## SUBCOMMITTEE OF THE STANDING COMMITTEE ON RESOURCES DEVELOPMENT

WEDNESDAY, MAY 28, 1980

The subcommittee met at 10:28 a.m. in committee room No. 1.

### ANNUAL REPORT, 1978, WORKMEN'S COMPENSATION BOARD

(continued)

**Mr. Chairman:** The meeting will come to order. Before we start I would like to read a telegram Mr. Villeneuve received last night which reads:

"The Hon. Robert Elgie has informed me of the kind invitation extended to me on behalf of the standing resources committee to attend as an observer at one of its current sittings. I am indeed very flattered and most grateful, but because of the many matters I must complete this week, including resigning formally and vacating my office and department, I must decline your most thoughtful invitation. In short, this is a very hectic week. Let me assure you I am looking forward not only to meeting with the committee but also attending the sittings of the committee, both of which I trust will very soon happen. Thank you for your interest and kind invitation. Hon. Lincoln Alexander."

In spite of our invitation, he is not able to be here at this time.

**Mr. M. Davidson:** I would like to move, Mr. Chairman, that the time we have lost as a result of having to wait for a quorum not be counted as part of the 15 hours.

**Mr. Chairman:** Does everybody agree we did a half hour? Agreed. The suggestion has been made to me that the subcommittee would have two voting delegates from each party. The NDP has advised me that Mr. Davidson and Mr. Wildman will be the voting delegates. The Liberals have advised me that Mr. Van Horne and Mr. Riddell will be their voting delegates. Mr. Newman, yourself, and who else would you suggest?

**Mr. W. Newman:** Mr. Chairman I am ready a voting delegate next door.

**Mr. Van Horne:** Are we properly constituted as a subcommittee if one member present has no authority to vote?

**Mr. W. Newman:** It doesn't matter. As long as we have a forum here, it doesn't matter whether you have a vote or not.

**Mr. Chairman:** I think Mr. McNeil is away farming today and we are not going to see him. We will resolve this before we sit tomorrow night. I think there are some other matters we should deal with. I understand we are sitting today until 12:30 and then we are sitting tomorrow night starting at eight o'clock. Also, Mr. Starr informs me his staff will not be able to be with us next week. Mr. Starr, would you like to make some remarks?

**Hon. Mr. Starr:** Mr. Chairman and members of the committee, it was our understanding at first when this schedule was brought to our attention as to the sittings and the hours and the days, that the last sitting this week would be on Thursday, from eight to 10:30 in the evening, and then we would adjourn and we would not have to appear before the committee until, if necessary, June 11 or June 12. We got that information from the minister's office and naturally we planned accordingly.

Coincidentally, however, the Association of Workers' Compensation Boards of Canada is having its annual meeting in Montreal and the majority of us who will have a part to play in that convention have already made arrangements to be present. If it is the wish of the committee, I would appreciate very much that co-operation. We would be available from then on whatever time and sitting the committee wishes to hear us.

**Mr. Martel:** It is unfortunate, Mr. Chairman, that the minister's office didn't advise either the government House leader or anyone else to that effect, because we had no knowledge of this. At no time was that brought to our attention at the House leaders' meeting or anywhere else. The first I learned of it was when I walked in this morning. I take a little umbrage with the lack of communication between the minis-



ter's office and the government House leader's office, not knowing this in advance, although I am sure we are prepared to make it possible for the board to fulfil its commitments in other places and then come back and finish up the hearings with us here.

Hon. Mr. Starr: Thank you very much.

Mr. Chairman: Mr. Martel, I was not aware of this letter. Mr. Starr, what date would you be back?

Hon. Mr. Starr: Any dates after next week.

Mr. Chairman: So you could be here on Tuesday, June 10?

Hon. Mr. Starr: That's right.

Mr. Chairman: That would be the first time you could be here?

Hon. Mr. Starr: I could be here Monday.

Mr. Chairman: We don't sit then.

Mr. Martel: Tuesday, Wednesday or Thursday.

Mr. Chairman: Then we could agree that our next sitting after tomorrow night will be on Tuesday, June 10, at 8 p.m.

Agreed.

Mr. Chairman: I think those are all the details we had to take care of before we commence. Mr. Van Horne, you were on last.

Mr. Van Horne: I would like to ask you, Mr. Chairman, if we are going to follow the same themes or headings that were drawn up, I believe by Mr. Davidson, at the first meeting.

Mr. Chairman: I think that was agreed to. I don't have the list in front of me.

Mr. Van Horne: We didn't get a copy of that. It is on the record, but the Hansard is delayed. To review, is it main administration, claims applications—that same list as we had last year?

Mr. Chairman: Yes.

Mr. Van Horne: The only other technical point in so far as operating as a subcommittee is, are we still allowing substitution if notice is given in advance? Is that understood?

Mr. Chairman: Yes.

Mr. Van Horne: Okay. I am not sure that I left here last evening in a very happy frame of mind, because I felt I was being stonewalled by the minister in so far as my request to him that we as a subcommittee come up with a list of themes or topics that we would ask Professor Weiler to address himself to. I want to go on record now as saying very clearly that response I got from the minister does not make me happy. It simply underlines that response, as I indicated

in my opening comments, that to do a study in this way is wrong. Although it is called a full-scale study, it would seem to me it is going to be considerably less than full-scale.

Having said that, I would like to leave that theme and stay with the main administration. I am not sure we completed that and I seek your direction. We did not complete the theme of main administration last evening; is that true?

Mr. M. Davidson: I believe we were still on it.

Mr. Van Horne: We were still on it. I was hoping the minister might respond. In his absence maybe the deputy would respond to some of the observations I made in so far as the makeup of the board is concerned. In the list of headings we have, it strikes me, this is the most logical place to comment on that.

The minister has asked for an additional copy of my comments, so I assume the deputy has had a chance to look at them. Rather than reiterate, because it took some four typewritten pages, I would ask the deputy if he has any comments about the makeup of the board and the responsibilities the board has. Further, will there be any consideration in the Weiler "full-scale study" regarding the responsibilities and makeup of the board?

Mr. Armstrong: Mr. Van Horne, as I recall your comments on the first evening of the sittings, although I don't have them before me, you did make some comments about the propriety of the corporate body acting as an adjudicator and as an administrator. The thrust of your comments was that the combination of those two roles was not strictly in accordance with what some other administrative tribunals do. You suggested, I think it is accurate to say, there should be a clear division of responsibility between adjudication and administration.

Mr. Van Horne: That is correct.

Mr. Armstrong: Perhaps I am incorrect about this, but I think the minister did give some indication that the organization of the board in terms of the administrative and adjudicative functions was one of the matters that would be dealt with by Professor Weiler. I concede you raise a very important point and one that I know, from certain preliminary discussions with Professor Weiler, he is keenly interested in. I think you can be assured that when he submits his report to the minister—which report the minister indicated would be made available to any-

body who wished to see it—he will be dealing with that issue.

I think it would be wrong to anticipate what he may have to say about that, but I can assure you he will be dealing with it.

Mr. Van Horne: Thank you. I will leave that theme, because we have spent considerable time on it in earlier hearings.

The other topic I raised in my opening comments that I feel would be appropriately discussed here is the area of positive action for women. One of the staff called my office the day after my opening comments and pointed out to my secretary that this reference in the report was obviously just for internal or Workmen's Compensation Board staff.

In my comments I indicated there was no evidence of any special attention being given, at least as far as I could read in the report, to women in the work place in relation to workmen's compensation. Ultimately, I suppose we are going to change this to workpersons' compensation—

Mr. Wildman: Just call it workers.

Mr. Van Horne: —or workers' compensation. The increase in the number of women in the work place is very significant and it is not going to plateau or drop. All the evidence is that it is going to increase steadily for an unknown number of years.

10:40 a.m.

Given again that the reference here is limited to your own staff, I would like to have some elaboration on that because, quite frankly, the statement in the annual report does not say a heck of a lot. Beyond that, I would like the deputy or Mr. Starr or one of the staff to give us some indication of things that are happening as they see claims coming in. Are there significant increases? Are there increases in certain areas? I would expect there would not be too many in the clerical-type jobs a lot of women are involved in. On the other hand, there may be some areas we are not aware of in which there is a marked increase in the incidence of claims for women.

I would like you to comment on those two areas: the reference you have made for your own staff and the population at large.

Hon. Mr. Starr: Mr. Chairman, I did say we would have a women's adviser here to answer any questions and/or to elaborate on the four points that appear in our financial statement, but because of the variance of understanding between what you said and what was understood, we did not have her here. However, now we will.

Mr. Van Horne: She is not here now?

Hon. Mr. Starr: No, because there was a misunderstanding as to what you referred to.

With respect to the incidence of women injured in the work place in the province, I think possibly Mr. Kerr, the executive director of the claims services division, may give you some indication in respect to that matter. I might point out that the incidence of female participation in our own organization has risen to 57 per cent of our total force.

Mr. Kerr: The latest figure I have for the number of women who are injured in industry is 17.5 per cent. That has increased approximately one to two per cent during the past three years. I am not absolutely sure of the last figure I have given you. I am sure of the 17.5, but to the best of my recollection that has been an increase of from one to two per cent in the past two to three years. We can be more specific in looking it up for you, but that gives you an idea of where we are right now.

Mr. Martel: Just for a moment—

Mr. Van Horne: Before Mr. Martel hops in, I would like to know if there is any classification that is significant—for example, nurses in operating rooms who foul up their backs through lifting things which are too heavy or slipping on wet floors and that sort of thing, or are these in the manufacturing industry or where? Is there any significant area of occupation through which these claims come?

Mr. Kerr: I have no specific data available to me, but I can give you my impressions. Obviously, the majority of them will come from manufacturing of some kind, usually the lighter kind of manufacturing. There is no doubt we have a fair number of claims from nurses and nurses' aides through lifting patients in hospitals. Other than that, I have no specific data available. We can check with our statistician to see if there is any kind of breakdown. I am not aware of any, but we can certainly check that out to see if it is available. If so, I will make sure you get a copy.

Mr. Martel: That was precisely my concern because of the number of individual cases I have had dealing with nurses or nurses' aides. I am wondering if the board is looking into the number of injuries that occur in that field because of various cutbacks and so on, if that is what is creating that problem as it pertains to women in the work force.

**Mr. Kerr:** This would come under the jurisdiction of Mr. White, our executive director of safety education. As we all know, there is a safety association that devotes its time to accident prevention in hospitals.

**Mr. Martel:** If I recall correctly, there is no one from the union represented in that group. It is primarily management.

**Mr. Kerr:** I am sorry, Mr. Martel, I am not qualified to respond to this question at all.

**Mr. Martel:** Someone must be able to respond to that.

**Hon. Mr. Starr:** There is no compulsion, whether it is industry or a hospital or forest products, for a joint committee to be established. It is an acceptable and a wonderful thing to have because there should be input from both sides into the safety aspects of any industry, but there is no compulsion on the part of any of these to have them. I think the safety bill provides for it.

**Mr. Martel:** If my memory serves me correctly, I guess when we have complained in the past the only people who were on that particular committee represented management.

**Mr. Armstrong:** It is not a committee though. Were you talking about the hospital accident prevention association?

**Mr. Martel:** I am talking about the safety committee in the hospital.

**Mr. M. Davidson:** I think this is where the confusion is coming.

**Hon. Mr. Starr:** The job of the hospital safety association is education.

**Mr. Martel:** That is right, but on that safety committee at the board level there is only representation from management. This area bothers me because of the increasing volume I have had in that particular field of women being injured in hospital. I am wondering if the board is doing any check on that, because it reminds me of the other problem.

We have had 11 miners killed in Ontario this year, which is extremely high. I am wondering how actively the board gets involved when it sees an area where there are a lot of accidents. Do you start an investigation when you see an area where there is an increase in the incidence of, say, nurses' back injuries, to determine what in heck is causing it? There has to be a reason for it.

I would think there should be something going on now with respect to the 11 miners killed already this year, which is higher than the whole of last year and, I believe, higher than the year before, and we are only into

May. I am wondering if the board starts an investigation when it sees that going on?

**Mr. Chairman:** Mr. Martel, I think we are getting away from a supplementary.

**Mr. Martel:** No, it is right on. I think that is what Mr. Van Horne led into. If the board sees an increase in the incidence of a specific injury or in a specific area, does it do anything? Does it move to find out what is creating the problem?

**Mr. Armstrong:** Perhaps, Mr. Martel, I should defer to the chairman on this, but the accident prevention component of the board's operation is by statute conferred upon the accident prevention association. You mentioned the high incidence of fatalities in the mining industry, which is regrettably true, this year. I assume that the mines accident prevention association is the mechanism under the Workmen's Compensation Act that is required by statute to take preventive action. Mr. White would be the representative. He is the co-ordinator of the safety associations within the board. He would be the person able to answer directly as to the remedial action taken by the specific safety association. That would be the aspect of the operations involved in the prevention.

**Mr. A. G. MacDonald:** Mr. Chairman, the board does provide statistics to all the safety associations on the incidence of various incidents. As these trends occur, they automatically become aware of them from the statistics provided. If you would like to have the detail of the kinds of statistics they get, I would be happy to have it made available to the committee.

**Mr. Martel:** Yes, and the action which may be implemented. Let us say you find an area where the incidence increases, what type of action is taken to remedy or alleviate it?

10:50 a.m.

**Hon. Mr. Starr:** Could I ask Mr. Wisocky to supplement your question, Mr. Van Horne, in respect to female workers in industry and the rehabilitative effort put forth by the compensation board on their behalf? It might be interesting.

**Mr. Wisocky:** Mr. Chairman, we have done various surveys and analyses of the vocational rehabilitation case loads. At any given time the active case load for women is anywhere from 11 to 13 per cent. It is fairly constant and has been for many years. In fact, the analysis we did for the Sudbury closures for the first four months of 1980 shows it as 10.8 per cent. So it is pretty constant.



One of the things we are doing for the International Year of Disabled Persons in 1981 is looking at the unique needs of injured workers, including women, to see if there is any action we should take on behalf of women in the work force. At this moment I don't see any particular problem. I agree with you that the number of female workers in the force has increased and is increasing, but there is no particular problem I know of.

**Mr. Van Horne:** That is all I had as far as that first heading is concerned. I would defer to the New Democrats.

**Mr. Wildman:** Mr. Chairman, I want to pursue a couple of things under main office, talking about the policy of the board. Last night I raised the question of bilingual information forms, bilingual letters, French-language letters, and so on. I want to deal with that specifically again in terms of the vocational rehabilitation operation.

I had some discussions after the session last night with a couple of staff members. My concern is there doesn't seem to be any attempt by the board to do anything about the question of providing French-language material in all its operations. I would think that would have to come under main office.

Canada Pension Plan people can do it, Health and Welfare people can do it, the federal government in general can do it. I don't see why the WCB can't do it.

**Hon. Mr. Starr:** Mr. Chairman, I think the first step would be to have the Workmen's Compensation Act printed bilingually.

**Mr. Wildman:** That's a good idea. I agree with that.

**Hon. Mr. Starr:** Stemming from that, all forms would have to be bilingual. You are a legislator. The next time amendments are brought before the Legislature, it would be a good point to dwell on.

**Mr. Wildman:** We can't amend it any way we like. Sometimes we would like to.

**Hon. Mr. Starr:** No, but the printing of it—

**Mr. Martel:** Have you ever recommended, Mr. Starr, to the Ministry of Labour over the years that the act and the forms should be in French? Has the board made that recommendation?

**Hon. Mr. Starr:** No, we haven't.

**Mr. Martel:** Would the board be prepared to make that recommendation?

**Hon. Mr. Starr:** It has never been a problem that would necessitate doing this.

**Mr. Wildman:** It has never been a problem?

**Hon. Mr. Starr:** No, not to my knowledge. This is the first time—

**Mr. Wildman:** That is not correct, Mr. Starr. I raised this four years ago in these same hearings. If you check the record you will find that. I said specifically at that time, dealing with one community in my riding, that anything you got for Dubreuilville, please send in French. We are still getting letters from the board in English.

**Hon. Mr. Starr:** I myself receive letters in French and we answer them in French.

**Mr. Wildman:** I know that. I know the board will answer in French, but on some occasions when a letter has gone to the board in French it has come back in English.

**Hon. Mr. Starr:** We even get them in Ukrainian and we answer them.

**Mr. Wildman:** I realize if the board receives a letter in French it will reply in French, or any other language. But I also know that if they receive an accident report from the company in English then the correspondence goes out in English. I don't want to concentrate on that particular community in my riding but, I think, especially at a time when we're talking about the future of this country and the whole question of language rights, this is something that could and should be done.

You can't say it's not a problem, when I've raised it in this committee before. As a matter of fact, I got a quasi-commitment from the staff at that time that they would do all they could to send out material in French to this particular community. But I don't think that it's just this community. In northern Ontario generally and in eastern Ontario we have a large francophone population, many of whom are involved in manual labour jobs in mining or lumbering, especially in lumbering, in bush work and in the mills. That would be a first move to dealing with the whole question of language, in terms of claims, information on rehabilitation and that kind of thing.

Last night I raised the problem of the situation in my area where we have a large percentage of francophones and no rehabilitation officers who can speak French.

**Hon. Mr. Starr:** I think two people are necessary to answer that. I'm going to ask Bill Kerr to respond first of all, to see whether we can do anything about it.

**Mr. Kerr:** Mr. Chairman, I'd like to add a little bit more to the information I gave last night. We have a number of pamphlets printed in French. They are information booklets designed to give the people of On-

tario background as to the operations of the board. Number one is the accident poster Form 82, and it is in French: Dans tous les cas d'accidents. Number two is information about the appeal procedure: Commission des accidents du travail d'Ontario, système d'appel. Number three is Additional Information on Appeals for Out of Province Residents, or, Renseignements complémentaires procédure d'appel non-résidents d'Ontario. Number four is Getting Back to Work; Help for the Disabled Worker, or, Réinsertion au travail; aide aux travailleurs handicapés. Number five is Employing Injured Workers; Doing Yourself a Favour, or, Embaucher des travailleurs accidentés, un service que se doit chaque employeur. Number six is Help for Employers who Hire Rehabilitated Workers, or, Aide aux employeurs qui engagent des travailleurs accidentés. Number seven is Answers to Your Questions, or, Réponses à vos questions.

These are put out by our communications and public information people and I'm advised they have four more planned to go out in French entitled: Number one, What is a Disability Pension? Number two, Making a Claim. Number three, Doing Business with the Workmen's Compensation Board. Number four, Your Workmen's Compensation Board. That's merely to indicate what's been done.

**Mr. Wildman:** I appreciate that. It's a good thing. But my main concern—and again I want to emphasize I think that's a good thing—is dealing with individual workers and with their representatives in terms of claims, rehabilitation and so on. There must be individuals involved with facility in French.

**Mr. Kerr:** After thinking about your comments last night, and again this morning, we might be in a better position in the Sudbury region—and Sudbury regional office will cover Sudbury, Algoma and Manitoulin—to have greater regard for that. As you stated, when we receive something in French or any other language we respond to it as you indicated a few moments ago.

It's very difficult now, with between 200 and 300 adjudicators, to remember that 95 per cent of the people of Dubreuilville speak French. It's very difficult to do that with such a large system. But moving to Sudbury, where we'll have a regional operation to centralize claims adjudication, Mr. Charles Stewart, the director, and I have made a note to see if we can attack that problem in that area. Perhaps the best approach would be on a regional basis.

11 a.m.

**Mr. Wildman:** You have other areas too. Sturgeon Falls is 85 per cent francophone.

**Mr. Kerr:** We are aware of that but that would be served by Sudbury too. We could probably work it out for Dubreuilville. But I think they are also aware there is a French listing in the telephone books—in the blue pages, the government area—giving a Zenith number. If someone speaking French calls they are directed to the local office, whether it may be Sault Ste. Marie or Sudbury, and there are people who will deal with him or her in French. So we have moved in that direction too. We haven't gone as far as you have suggested yet.

**Mr. Wildman:** Can I get copies of those pamphlets?

**Mr. Kerr:** Yes, we will have the publications division send them to you.

**Mr. Wildman:** Thank you. Mr. Chairman, I would like some direction under the main office vote. Would it be appropriate to raise a policy question with regard to the decision of the board on carrying out epidemiological studies when it finds a large number of a certain type of claim being filed from a certain area or an employer? I would like to know who is responsible for coming up with this—for trying to determine if there is any medical evidence that there is some cause of an industrial disease for which there seems to be a lot of claims in one area.

Who is responsible for the impetus for that? Is it the board or is it the employer or the union, if there is one? Who is basically responsible for doing a study to find out if there is any medical evidence that a certain kind of work place is responsible for the development of an industrial disease over a period of time?

**Hon. Mr. Starr:** Before we go into that, Mr. Wildman, I wonder whether you would give Mr. Wisocky an opportunity to comment on the lack, as you say, of French-speaking rehabilitation officers. We should cover that.

**Mr. Wisocky:** I have just put my material away so I hope my memory is good here. You are quite right. In Sault Ste. Marie we have one rehabilitation counsellor who is bilingual but not necessarily in French.

**Mr. Wildman:** He speaks Italian, which is a good thing because there is a large Italian population in the Sault.

**Mr. Wisocky:** I am not aware of any particular problem with the French language from a rehabilitation point of view but if there is there are staff members up there who can handle the situation, to my knowledge. In the Sudbury area three out of eight rehabilitation staff are bilingual.

**Mr. Wildman:** I don't want to get into personalities, but if there is someone from Wawa or White River or Dubreuilville who is a unilingual francophone whose doctor says it is possible for him to do light work and therefore wishes to have some vocational rehabilitation, I don't think he is being served well by the board. The fact is, the rehab officer goes up to Wawa once a month and makes appointments with people from the various communities who wish to obtain rehabilitation. They come and see him, talk to him for 20 minutes or so and that is it. The fact he cannot speak French makes the discussion rather difficult.

Here is an interesting policy question: let us say there is a person whose doctor has said, and the board agrees, that he is capable of light work. Does the board automatically do a skills assessment of that individual then?

**Mr. Wisocky:** Not necessarily. It depends on the situation. If the person has worked for quite some time and knows his or her limitations and knows what he or she may be interested in there may not be a need for an assessment. If there is any doubt whatever then we do suggest an assessment. In fact, we have increased assessments—

**Mr. Wildman:** Does the employee or his representative have to request an assessment?

**Mr. Wisocky:** No. It is automatically held.

**Mr. Wildman:** I have a case here, which won't go into, where this fellow has been going to get vocational rehab for a year and he has not been assessed at all. But let us say he is a unilingual francophone and he believes he has the ability, maybe from something in his background, to do office work or maybe some kind of skilled work such as repairing small engines—that kind of thing. It is pretty obvious he must have some facility in English in order to be able to become employed in that kind of field in Ontario. It is also pretty obvious he is going to have to leave the lumber industry or that kind of work in northern Algoma. Is language training part of your vocational rehabilitation? Would you count that as vocational rehab?

**Mr. Wisocky:** Definitely; we will provide any sort of service required to get the person back to work.

**Mr. Wildman:** I have an individual who was told he would have to learn English and it was up to him to take a course to study English, that was not provided by the board; at the board did not suggest it could fund it either.

**Mr. Wisocky:** If I look at the statistics for 1978-79, I believe there is almost a 100 per cent increase in the number of people who were sent back to school for upgrading in the English language. I wouldn't mind getting the details of the case you mentioned.

**Mr. Wildman:** I will give you the details later; I don't want to go into it here.

**Mr. Wisocky:** The thing you have to remember is that the chap up in the Sault is fairly new and is trying to get on his feet.

**Mr. Wildman:** Don't get me wrong. I am not attacking him. I think he is doing the best job he can. Let us say this person is living in a community where that kind of course is not available. Let us say you wanted him to go to Sudbury, for instance, to take a language course and so on. Who suggests that? Does the board suggest it? If the board suggests it, does it make it clear to the worker that his move would be funded by the board?

**Mr. Wisocky:** You are correct there. If there are no local facilities we can use we do suggest going elsewhere. Then it is up to the man to agree with whatever we suggest. If it is Sudbury we send him there and we pay the associated expenses.

**Mr. Wildman:** If he goes on his own and arrives in your Sudbury office and says, "Now I am here I would like to get my course," would you pay the expenses he already had to get there?

**Mr. Wisocky:** Yes, we pay transportation and travelling costs.

**Mr. Wildman:** My assistant was on the phone this morning with another case in which that very thing happened. We phoned the Sault office and all the staff told us was, "We will transfer his file to the Sudbury office."

**Mr. Wisocky:** If it is a long-term training situation and it is wise that the person receives counselling from another chap on an interim basis—

**Mr. Wildman:** I am not disagreeing with that. We were asking a specific question though; could he get reimbursed for his travelling expenses. That was the response we got.

**Mr. Wisocky:** It might be best if we look into it.

**Mr. Wildman:** I will leave that. I think Elie had a question about language.

**Mr. Martel:** Let me make two points. Of the cases I documented the other night, 17 out of 20 were French. With some there were very serious linguistic problems. I am



not sure I am prepared to accept that we can't put the stuff out in French, Mr. Starr.

My other point concerns the initial contact, where there is a letter in front of the claim designating the type of claim. On your initial contract, if you learn that the individual is French or Italian, could you not put an initial at the end of the number, for example, "F" in brackets? It would indicate that case is an individual who is able to communicate well in a particular language and therefore the case, right from the outset, is handled by someone in main office who is capable of doing the translation as he goes along. That designation and the rest of his number would always be there, so whoever is dispensing the work at the board knows he has to give that case to someone who can speak and read French or Italian or Portuguese fluently.

That would simplify the thing for the board to some degree. I still think—and no one has convinced me I am wrong—that with many of the errors that are created I think it shows up in the long-term cases—the initial mistake is made very early in the ball game. I think that is a way of overcoming it.

11:10 a.m.

Mr. Wisocky: We do flag the language in the warning section of our claim file in the vocational rehabilitation files for several reasons. Number one is for the reason that you identify, Mr. Martel, but we also flag it for future contacts with the individual in terms of permanent disability assessments, investigations, et cetera. So it is flagged and sent in a jacket to alert whoever is handling that file to the effect that this person dialogues in a particular language, whether it be French or otherwise.

Mr. Martel: Mr. Kerr indicated last night that in the Sudbury area they're going to try to make sure the same person handles the same file all the time. Down here that hasn't occurred yet. But if you were to put that initial at the end of the number then it would not have to be flagged all the time. It is already part of the number and you know automatically that the individual is going to have to be communicated with in his or her own language.

Mr. Wisocky: That may pose a problem, but as far as I'm concerned there are ways and means of getting around it. I'm sure that will be addressed if I can answer on behalf of Mr. Burke.

Hon. Mr. Starr: We can't give you a definite answer on this today, but I'm sure

your suggestion is well taken. We'll have a look at it and see what can be done.

Mr. Martel: Thank you.

Hon. Mr. Starr: I think Dr. McCracken could probably go into detail in answering the questions of Mr. Wildman regarding the particular type of disease that may spring up in an industry and what is done about it.

Dr. McCracken: The question you asked related to who mounts epidemiological studies. It is sourced from a number of areas, as you are undoubtedly well aware. In some instances the union identifies a group of people it feels may be developing some certain condition and it will file a list of names to the claims division of the board or will file a list of names to the occupational health and safety division of the Ministry of Labour.

The company, such as in the Dofasco epidemiological study, identified that there was something going on in the foundry there. They brought that to our attention and, in turn, we passed the information along to the Ministry of Labour.

In the individual cases where claims are filed on by source of the worker, the union representative, the employer, the doctor—if they appear to be a new disease entity, or if they appear to be an old disease entity coming from a new place of employment, we communicate routinely with the Ministry of Labour. In individual cases, or for that matter small groups of cases, where there is no real evidence that there is any epidemiological trend to a disease but none the less it is an unusual situation, the occupational disease consultant staff communicates with its counterparts in the occupational health and safety division, Ministry of Labour, and obtains what information it has on file.

If that plant has had previous inspection and the inspection is for the type of fumes, gases, dust, whatever, that might be related to the particular disease, then we request that data from the Ministry of Labour. If, on searching their files, we find they have not carried out an inspection on that company then we request that they do so and they carry out the inspection to see what we're dealing with.

If we are of the opinion that we have a group of cases that might indicate there is something going on in that work place or in the handling of that substance, then we go in one of two directions. Either we can refer the matter to the occupational health and safety division and suggest they might wish to look at this and see whether they wish to develop

a cohort and whether they wish to proceed with an epidemiological study. Or we may elect to do that ourselves.

Similarly, where certain situations are brought to the Ministry of Labour, the ministry will elect to carry out an epidemiological study itself. An example of that currently is the development of a cohort on asbestos workers where they are going to develop the cohort themselves, independent of the Workmen's Compensation Board file but with access to the file if they require it. Then they are going to have that matched with Statistics Canada death records so that it is a multisourcing arrangement.

**Mr. Wildman:** You mentioned the Dofasco foundry study. Who decides whether that should be expanded to other foundries? You have found a problem and you are looking at it in Dofasco. There are an awful lot of other foundries in Ontario. It would seem to me, as a layman, not too illogical that if you have had a problem in the Dofasco foundry other foundries that are using this similar process may also have problems. Who decides the expansion of that to other foundries?

**Dr. McCracken:** Usually the initiator of the first study of the body that assumes responsibility to act upon the first study will make the determination to follow through. In the case of the Dofasco foundry study, we initiated the evaluation of that study and made a determination that 20 to 30 years ago something might have been going on in the foundry that lead to an increased incidence of bronchogenic carcinoma. We couldn't identify what the carcinogenic substance was and we still haven't identified it on the basis of those studies.

The question was raised by my staff, does this exist or might it have existed in the past in other foundries that are still in business and foundries that have gone out of business? The list is approximately 160. Many of them are very small foundries with four or five people; some of them are even down to two or three people working in them. The question was what should be done next. In that instance, we were the people who made the decision to proceed with the current phase one and two study.

**Mr. Wildman:** You are now involved in studies at Algoma Steel and so on.

**Dr. McCracken:** That's correct.

**Mr. McClellan:** I am not sure whether we have covered this already. If we have, I will check Hansard. Can you give me an outline of the scope of the study which I assume has been the follow-up to Dr. Mil-

ler's Dofasco study? Is that what we are talking about?

**Dr. McCracken:** No, we are not. It was Dr. Gibson, the occupational physician at Dofasco, who did the epidemiological study at Dofasco.

**Mr. McClellan:** When was that dated?

**Dr. McCracken:** That was done several years ago. I can't remember the date.

**Mr. McClellan:** I want to clear up my own confusion. I have what I thought was Dr. Miller's study on Dofasco on December 13, 1978.

**Dr. McCracken:** The reference to Dr. Miller there is that was part of the evaluation we commissioned of the Dofasco epidemiological study. One of the people who was involved was Dr. Miller, an epidemiologist in Toronto. As part of our evaluation we passed the document to him and asked him if he would review it from an epidemiological standpoint, which he did.

**Mr. McClellan:** He established the risk of lung cancer at Dofasco.

**Dr. McCracken:** He confirmed it.

**Mr. McClellan:** To use his own words he concluded there was a causal relationship. Then he went on to recommend the study be conducted of all foundry operations in Ontario, including the total experience of the Dofasco plant, wherever adequately identified work histories from unselected foundry exposed and nonexposed workers can be found. I assume that is being done.

**Dr. McCracken:** No, that is not being done. That was one of the suggestions Dr. Miller made to us as to a direction we might go. Following the submission of that recommendation, we had a series of meetings with Dr. Miller. At the time he made that recommendation, he was not cognizant of the number of foundries in Ontario, past and present; the number of foundries that had gone out of business; the availability of records of people who had been in their employment 20 or 30 years ago; and the number of people employed in those foundries at various times during their existence.

11:20 a.m.

The other thing he was not aware of at the time he made that suggestion was the wide variation in the types of foundry operations; whether it was an iron foundry, steel foundry or nonferrous foundry, the types of core binders being used and the types of moulding materials being used. When we took a look at all of this, he concluded and agreed

with us that if we were to carry out such a proposed study, where we would attempt to develop a cohort of all people now employed in foundries for, let us say, 15 years plus and past employees, and if we were to match that against death records, what we would end up with would in all probability be of absolutely no assistance to us at all.

**Mr. McClellan:** Why not?

**Dr. McCracken:** Because of the various factors that I have mentioned. In other words, the variables would be such that they would nullify the study in the first place. The second thing is that the majority of individual foundries would have so few members in the cohort there would be absolutely no significance. You couldn't lump them together and try to compare them as one cohort because of the variables in foundry operations. There is a phenomenal amount of variation in foundry operations.

**Mr. Wildman:** Couldn't you take all iron and steel foundries together?

**Dr. McCracken:** Not even that. For instance, we now know the materials used, the methods used, the physical layout of the plant, any number of variables like this, vary unbelievably between Dofasco and Algoma. We also know that Algoma has had two separate foundry operations during its existence. One was a nonferrous and then they went into a steel.

**Mr. McClellan:** Could you tell me exactly what you are doing as a result of the discussions that took place subsequent to Dr. Miller submitting this report and this recommendation?

**Dr. McCracken:** The board, as I mentioned, had a series of meetings with Dr. Miller. We met with Dr. Gibson, and we then elected to determine the magnitude of the problem. We soon ascertained the factors I have mentioned, mainly wide variation in the types of methods used in foundry operations, et cetera. We came up with our current plan in research and that is a phase one and phase two operation.

Phase one was the development of a questionnaire which was sent to all foundries. We had the assistance of the Canadian foundry group which supplied us with some names we did not have in our records. These questionnaires went to all 160-plus foundries with a personal letter from the chairman asking for their full co-operation.

The data in that questionnaire was such that we would be able to determine what they were using now; the type of foundry operations and metals they were pouring; the

size of the castings; what they did 15 to 20 years ago; what type of binding materials they used; what type of materials were being used in the moulds; and the determination as to changes in their casting programs down through the years since some of them would start out with large castings and end up with small specialized castings, which was a real factor, and the size of their work force. We have sent that out with two follow-ups and we now have pretty close to a 90 per cent response. There are some we will never get because they are out of business and there is no way we can obtain their records, but they tend to be small outfits.

Phase two, which was started as an overlap to that, was the involvement of Professor Muir at McMaster University and his staff. He discussed the problem with us and he felt this was the direction he would like to see us go in setting up a sampling of foundries. Mind you, this is current sampling obviously, but we selected 10 foundry operations which, on the basis of phase one, we felt represented what was going on in the industry now and what had gone on in the industry in the past. On the basis of that information, we selected 10 foundries.

We discussed the matter with management and with the unions involved in the foundries. We obtained their full co-operation in this study. We had meetings with them. We held a press conference where we explained what we were going to do. What we are doing at the present time is going into these foundries and the technicians from McMaster University are sampling dusts and gases at key areas in the foundry operations. They are carrying out analyses on these dusts and gases as to their makeup and their relative concentrations. Currently, we have completed the sampling on six of the 10 foundries and the other four should be completed some time about the end of August.

**Mr. McClellan:** You have done six of the 10. You don't seem to be doing any epidemiological studies.

**Dr. McCracken:** No, because as mentioned, any epidemiological study would give us a nil return. It would take, we estimated—

**Mr. McClellan:** What I don't understand is why there isn't an epidemiological component to the phase one, phase two.

**Dr. McCracken:** Because this is totally separate and totally different from an epidemiological approach. An epidemiological approach is when you count people and then you count bodies.



**Mr. Wildman:** You did it at Dofasco, for instance.

**Dr. McCracken:** We didn't do it.

**Mr. Wildman:** Dofasco did it.

**Dr. McCracken:** We had the data from Dofasco.

**Mr. Wildman:** I know your problem. You said there are some small foundries which wouldn't have records and that kind of thing, but surely at a place like Algoma Steel there are records. They know who worked there and who has worked there. You could do an epidemiological study at Algoma Steel.

**Dr. McCracken:** We took a look at Algoma Steel and the numbers of people involved and the fact that the company had changed its operations in the foundries from non-ferrous to ferrous. If we had carried out an epidemiological study there we would have ended up with a cohort too small to give us any significant figures on lung cancer.

Lung cancer is not that common. If it was a type of condition where at any given time 30 or 40 per cent of the work force well might have it, then you can go down to a cohort of 20 to 50 people, but if it's something where the incidence is around about 120 per 100,000 population, then if you get into a work force the size we identified at Algoma the figures would be absolutely meaningless. People outside the board would have spent a lot of valuable time carrying out the study. We would have spent a lot of time and we would have come up with absolutely nothing to show for it.

That's why we didn't go into the overall study. We looked at it. It would have taken a minimum of three years and at the end of three years we would have been faced with absolutely no data that would be of help to us. That would be a very high probability and we felt we couldn't have that luxury of waiting for three years.

In other words, if we had gone in that direction, instead of being where we are now I would be saying yes, we are now completing the first year of a three-year study and two years from now we will know the results. Two years from now I am certain I would be back here saying it didn't show us a damn thing.

**Mr. McClellan:** I am a little confused. The status of claims at this point in time is that you recognize claims from Dofasco?

**Dr. McCracken:** That is correct.

**Mr. McClellan:** But from no other foundry?

**Dr. McCracken:** Mr. Kerr can speak to that. He can give you a status of claims that

have come from other foundries. So far as the guidelines are concerned, the guidelines are specifically for Dofasco at the present time because we don't know whether the guidelines that have been developed apply to all the other foundries, to only the iron foundries, to only the steel foundries or to none of them.

11:30 a.m.

**Mr. McClellan:** I understand that, but what I don't understand is you have an epidemiological study of Dofasco, which you have evaluated. You came to a determination that the data supports compensation. There are other foundries in Ontario, but you are apparently not replicating the Dofasco study in other areas. I don't understand how the phase one and two study is going to help you come to a decision on claims at Algoma or any of the other foundries in the province, or am I wrong? Is the phase one and two study going to lead to a resolution of the benefit entitlement question?

**Dr. McCracken:** It is going to lead to a resolution as to whether the current Dofasco guidelines can be utilized in other foundries and which foundries, or whether a revision of the guidelines will be utilized or whether it doesn't apply.

**Mr. McClellan:** How will that happen on the basis of dust and gas samples in the absence of any epidemiological data?

**Dr. McCracken:** I have a note here from our communications division. They say they have an information kit here with them. If you would like it, they will give you one. Coming back to your question, this is a very complex thing we are attempting to do, and it is the only solution to a very complex and intricate problem. This is the first time this sort of thing has been attempted. We are breaking new ground here and we are very interested in the outcome of the study.

What we are saying is we are using Dofasco as the benchmark. We have gone over their records backwards and forwards. We know what they are doing today and we know what they were doing 20 years ago. We know what they were using and we know the size of castings, et cetera. With that as the benchmark, what we are doing is analysing all the other foundries we can get data on in Ontario. As I say, we have had approximately a 90 per cent response and I think that is as far as we are going to be able to go.

Having done that, we have been able to develop a cross-section of the foundries currently in operation in Ontario, the various

types of foundries, the various types of metals being cast, et cetera. We have gone into these foundries—six up to the present time—and taken a sampling of dusts and gases. We have done the same thing in Dofasco because Dofasco is one of the ten. Again, that is the benchmark.

We are going to be able to say in the foundries we have studied that this particular chemical was found in Dofasco, but it was not found in such and such a type of other foundry operation. The relative intensity of these various chemicals matches in foundries B, C and D, but not in E. Then we can apply that across the board.

**Mr. Wildman:** That makes sense to me, but there is a problem. This is a hypothetical question, but could it not be the case that you might find in some of the foundries they didn't have present the same kinds of chemicals or gases or whatever that are present in Dofasco? You could determine that the Dofasco guidelines might not then apply to that foundry, but there may be claims from that other foundry and there may be problems there which could only be determined by an epidemiological study of that foundry.

**Dr. McCracken:** As I mentioned with regard to the matter of epidemiological studies of other foundries, the size of the cohort or the change in operations or the duration the foundries have been operational may be such that an epidemiological study would mean nothing.

**Mr. Wildman:** I hope we don't reach that situation. I hope you are able to determine that the Dofasco guidelines could apply to other areas. Using as an example from your evidence that the Dofasco guidelines might not be useful for Algoma, if there is still a situation where there are a number of claims for lung cancer from Algoma, what happens?

**Dr. McCracken:** In a situation like that, if it is demonstrated there is no match and that the guidelines don't apply or revised guidelines don't apply, then the conclusion is that those lung cancers do not represent cancer arising out of an occupational hazard.

**Mr. Wildman:** No. They don't represent a cancer arising out of an occupational hazard that occurred at Dofasco.

**Dr. McCracken:** No, because of the matching process we are using. What we are doing is fingerprinting the foundry operations in Ontario. It is the first time anything like this has ever been done.

**Mr. Wildman:** Don't get me wrong. I am not opposed to what you are doing. It is just that I see a problem if you find that some

of the foundries, the nonferrous foundries, for instance, can use the kind of guidelines you used at Dofasco; they can't apply because of your sampling, but you may still have lung cancer claims from those areas. Another type of study might show they are being caused by some other agent that is being used in those particular operations, but there won't be evidence to prove or disprove it.

**Dr. McCracken:** I am at a loss to tell you at the present time what other type of study would address that matter, bearing in mind lung cancer is the commonest malignancy in the male population and bearing in mind the commonest cause of lung cancer is still smoking.

**Mr. Wildman:** That's a problem.

**Mr. McClellan:** Can I ask Mr. Kerr to respond to the status of claims question?

**Mr. Wildman:** Mr. Chairman, I have some other questions about epidemiological studies after this.

**Mr. Chairman:** This is just a supplementary to Dr. McCracken's referral of the question.

**Mr. Kerr:** I have no statistics with me as to the number of claims we receive from Algoma or other foundries. However, when we have a lung cancer case reported to us from other foundries we do not sit on the sidelines waiting for the results of the study as outlined by Dr. McCracken. We obtain the diagnosis of the condition, which is important, to find out what the diagnosis is. Then we obtain all the information from the claims point of view, such as the man's work history, the exposure areas in the foundry and everything we need to have information available for when the study is completed.

At present we do not have guidelines for these other studies, so it is not our intention to reject those claims. It is equally true that at present we cannot allow them for the reasons outlined by Dr. McCracken. So as we accumulate all this information we will have to advise the individual there is a study going on and unfortunately we cannot make a decision on his claim at this time. I don't think we should reject those claims because if the results of the study come in and they are such that we can recommend guidelines to the board, then we can adjudicate them in a positive sense.

**Mr. McClellan:** Can you give me the number of claims—I don't expect you to have it with you now, but to provide it before the conclusion of these estimates—in this cate-

gory, submitted from foundry workers, on hold?

Mr. Kerr: Yes, we can do that for you.

Mr. McClellan: Would you do a breakdown of those claims by foundry to identify the work place?

Mr. Kerr: That poses no problem. We can provide that for you.

Mr. McClellan: Another question—do you have a ball-park figure?

Mr. Kerr: Just a moment.

Mr. McClellan: I don't intend to hold you to that. I will await the data. But I am curious as to what the range of claims on this issue is.

Mr. Kerr: We feel it is something less than 25 claims.

Mr. McClellan: But you will get me the precise number?

Mr. Kerr: Yes, you will have the precise number, and the information you requested.

Mr. McClellan: Just one more question of Dr. McCracken and then Bud will have some questions. Can you identify the 10 foundries in phase two? Is that in the information?

Dr. McCracken: Yes.

Mr. McClellan: Okay.

Dr. McCracken: I haven't got the names.

Mr. McClellan: Somebody will be able to get them.

Dr. McCracken: Yes. I have them here, as a matter of fact. The ones that have been done are Dofasco, Canron, Johnson Mattley, General Motors, Fahramet, Don Oliver, and the ones to be done are Haley Industries, Algoma Steel, Deloro, Stellite and Niagara Bronze.

11:40 a.m.

Mr. McClellan: You expect this to be completed by the end of the summer?

Dr. McCracken: The sampling will be completed by the end of August. They've started their analysis now. Professor Muir tells me, but he has not told me when the analysis will be completed.

Mr. McClellan: Do you have some time frame on it? A year, two years, three years?

Dr. McCracken: My expectation is that Professor Muir will be giving us his final report in the first or second quarter of 1981.

Mr. Wildman: One of the main concerns I had in raising this issue was I understand at Elliot Lake the steelworkers have noted, in the last few months, a tremendous increase in lung cancer claims from surface workers. We all know, because of the studies done

previously, the board has accepted lung cancer as related to radon radiation for underground workers in that area. Now their union has a large number of claims from surface workers in the mills, who have not had the length of time or the work level months in relation to radon to make them eligible for lung cancer benefits.

The union has taken the position that these people are subject to the effects of thorium and uranium radiation as well as radon daughters and radon.

I understand when it comes to the claims process the WCB has asked the union or the claimant, "What evidence do you have that lung cancer could be related to exposure to thorium or uranium radiation in the mills for surface workers?"

Without getting into that part of the claims process, because that really raises a lot of questions about the whole issue of benefit of the doubt—you're asking the claimant or the representative of the union to provide the evidence—I would like to know what it takes to have the board decide it had better do some kind of epidemiological study of surface workers—of people who have been working and exposed to these kinds of radiation—to find out if there is any evidence of a relationship between these kinds of exposures and the incidence of lung cancer.

I think it's incumbent upon either the board, the ministry, or perhaps even the employer, to determine whether there is evidence. As was mentioned, Dofasco did this when it saw problems with the foundry. Why should it be left to the union to provide the evidence? They don't have the evidence; they don't pretend to have the evidence. All they have is a lot of lung cancer claims. Many of their surface workers, after being employed for 15 to 20 years in those operations, are now contracting lung cancer. As you will imagine, to those union officials this is somewhat reminiscent of what happened a few years ago with the tremendous number of lung cancer claims for underground miners in Elliot Lake. That eventually led to the studies that led to the decision there was a relationship between certain types of underground exposures and lung cancer.

So who does it? Who is responsible for starting such a study as in Elliot Lake to determine that there is this kind of relationship so these claims can be adjudicated more expeditiously?

Dr. McCracken: First of all, my chest disease consultant staff does not ask the worker to supply the data as to the relation-



ship between his lung cancer and his surface work.

**Mr. Wildman:** No, I was talking about the claims people.

**Dr. McCracken:** Mr. Kerr can certainly respond to the type of information his claims investigators request and the information they are seeking. To my knowledge they are not telling the worker that he has to carry out his own epidemiological studies and so forth.

This is another example that if the union has developed a list of workers it is of the opinion represent something abnormal going on, then the list should be submitted to the claims services division, or if it is felt the study would be better carried out by the Ministry of Labour, as some of the unions have done in the past, the list of those names, with the consent of the workers, should be submitted to the occupational health and safety division of the Ministry of Labour with a request that the staff there takes a look at it. Indeed, this is exactly what would be done.

Up to the present time, all data would indicate that the working level monthly exposure, as a result of inhalation of radon gas and the breakdown of radon gas into the daughter particles, is not a risk factor in surface operations where there is good ventilation or where there is the normal ventilation.

**Mr. Wildman:** There are a couple of problems with what you just said, in that 20 years ago they didn't always have the same kind of ventilation they have now. Second, I understand what you are saying regarding radon and radon daughters, but the union is concerned that the cumulative effect of various types of exposure, such as thorium or whole uranium, in conjunction with exposure to radon, may in fact have some kind of effect. What you are saying is, if the union has that feeling it should bring that to the ministry or to you and you will be willing to look at the possibility of starting a study to determine that.

**Dr. McCracken:** Yes, that is correct. The matter of thorium and the matter of background radiation from natural uranium is that with radon gas the particles that do the damage to the cells are known as alpha particles. Thorium and background radiation from uranium are not alpha particles, they are beta gamma. The gamma radiation by and large has a nonspecific effect per se on the lungs. The difference is that with radon gas the person inhales the radon gas and there is a certain amount of it that will break down while the radon gas is in the lung substance

and the alpha particles will bombard the cellular lining, whereas the other type of radiation is not inhaled. The other type of radiation is given off by uranium and by thorium, so there is not an inhalation factor unless you get into a situation where you are breathing clouds of thorium. It is my understanding that the levels of thorium have not been that high under those circumstances. It is a general body radiation effect versus a specific lung radiation effect.

**Mr. Wildman:** In that case, is there a possibility that other types of cancers in other organs might be related to that kind of exposure?

**Dr. McCracken:** The thing you start wondering if there is a significant amount of gamma radiation, is if there is an increased incidence of leukemia, for instance.

**Mr. Wildman:** Right, that is something the union has also raised. I will pass those comments along to the union in this case and see whether it can supply you with the list.

**Mr. McClellan:** May I just ask for one additional piece of information, and that is the Dofasco guidelines? Perhaps when Mr. Kerr gives me the information on claims, he could also give me the current guidelines that are used to adjudicate Dofasco claims.

**Mr. Chairman:** Mr. Van Horne, I would like to alternate between parties, but the list the chairman left here last night shows three more speakers from the NDP. Do you have any objection to that?

11:50 a.m.

**Mr. Van Horne:** Mr. Chairman, when that point is reached I would ask that we alternate, because it would seem these things happen all too frequently and we end up with a one-sided conversation.

**Mr. Chairman:** That is why I am asking your permission.

**Mr. Di Santo:** I would like to raise a number of issues under the main office. I would like to start with—I think this is under main office—the recent agreement signed by the Workmen's Compensation Board and Italy. I would like to ask either the chairman of the board or the deputy minister, in the absence of the minister, for some clarification.

Section 5 of the agreement which has been publicized by the WCB says it allows medical examination in the country of residence of the injured worker, but doesn't allow the doctors of the country of residence to set the rates of disability. In other words, if an injured worker goes back to Italy the Italian doctors within the Italian system are allowed

to examine the injured workers but they have to refer back whatever the findings are and at that point it is the WCB that makes the decision.

One of the principles of the agreement is that discrimination based on citizenship is abolished, but I think this is a prime case where actually we create a situation by which the workers who happen to go back to Italy are put in a position where they have no recourse whatsoever. We know that in Ontario when a worker is assessed at the assessment rate he has a recourse, which is the appeal system, but what happens to a worker who happens to go back to Italy and who is a Canadian citizen? What recourse has he got at that time?

**Mr. Armstrong:** Mr. MacDonald, do you want to deal with this? Mr. Di Santo is fully familiar with details of the Istituto Nazionale per l'Assicurazione contro Gli Infortuni Sul Lavoro agreement. I think you have properly described the effect of section 5, which permits an examination by the Italian doctor, but the board remains seized with the responsibility. In fact, under the act, it has to make a finding as to the entitlement to compensation. Do you want to deal with the question of what occurs in the event of any contest about the determination of compensation?

**Mr. A. G. MacDonald:** The essence of the agreement, Mr. Chairman, is that whichever organization is asked to carry out the examination will do that and provide the reports to the other organizations who have the responsibility of making a determination of the disability that flows from those medical reports.

I might say that the INAIL authorities were quite insistent that should be so. They didn't want the Ontario board making a determination of entitlement under the INAIL legislation. By the same token, we have the responsibility of making that assessment under our legislation.

I can assure you, if there is a problem about the medical report, we have agreed to co-operate and get further information. There should be no problem in the reports per se.

**Mr. Di Santo:** With all due respect, you did not answer my question. I am saying, suppose I am an injured worker who goes back to Italy, and I am examined by an Italian doctor who sends you a report saying that my situation is aggravated and that I am not disabled 10 per cent but 20 per cent or 75 per cent. He sends you the information but, as it often happens, you say, "No, you are disabled 10 per cent." At that point, what

do I do? Where do I appeal? In Italy? Or do I come back to Canada?

**Mr. A. G. MacDonald:** That should be appealed to the higher level of appeal system in the country. In this case, if you were back in Italy, it would be appealed to the appeal system in Ontario. It cannot be appealed to the INAIL authorities.

**Mr. Di Santo:** Do I understand correctly? Are you saying that the worker has to come back to Ontario?

**Mr. A. G. MacDonald:** No.

**Mr. Di Santo:** How can he appeal? I do not understand.

**Mr. McClellan:** The board will represent him at the appeal.

**Mr. A. G. MacDonald:** He has the same options as any other worker in deciding who should appeal on his behalf. The worker's adviser would be available.

**Mr. Di Santo:** Are you serious? Are you saying that a worker has the same rights because he can choose a representative in Ontario while he is in Italy, and he has no chance of making his case before the board?

**Mr. A. G. MacDonald:** Each individual case would have to be determined on its own merit. The worker could be brought back to Ontario if that were the sensible thing to do in that situation. I do not see how we can be hypothetical about it.

**Mr. Di Santo:** It is not hypothetical. I am putting to you a real case, not a hypothetical case. The system in Ontario is that when a worker is not satisfied with the decision of the board, he has the right to appeal. With this agreement, you are saying that a worker who is in another country can be examined by a doctor in that country but, if he wants to appeal, he has to come back to Ontario.

**Mr. J. F. McDonald:** No, sir, he does not have to come back to Ontario. He can be represented in absentia by the workman's adviser or someone else of his choice.

**Mr. Di Santo:** Is it not the right of an injured worker to put forward his case to the appeal system? With this agreement, are you not depriving those workers of that right? That is my question?

**Mr. J. F. McDonald:** No, sir, I do not believe so. He has the right of appeal whether he moves to Saskatchewan, Italy or the United States. No matter where he is, he can be represented; he can have his case presented before the board. The information is within the appeal pamphlet to deal with anyone who leaves Ontario.

**Mr. Di Santo:** I do not understand it. Perhaps—

**Mr. Wildman:** They are saying he can have his position given by someone else, but you are saying he cannot give his position himself.

**Mr. Di Santo:** He can give his position himself, because the choice of a representative is a choice that the worker has made. The right to make a representation is the right of the worker. What I am telling you is that either you allow that worker to come and make his case personally, as is his right, or you are depriving him of his right, forcing him to choose a representative because he cannot pay his expenses and come to make a representation.

**Mr. J. F. McDonald:** He chose to go to Italy.

**Mr. Wildman:** But he did not choose to be injured.

**Mr. J. F. McDonald:** What are you proposing?

**Mr. Di Santo:** What am I proposing? I will not ask any more questions, because I am shocked and I cannot believe it.

What I am proposing is that this is an incredible agreement that you are publicizing with great fanfare.

**Mr. J. F. McDonald:** This agreement is very similar to those that exist between all of the European Common Market countries.

**Mr. Di Santo:** Mr. McDonald, this agreement is dissimilar to all of the international agreements, where there is a basic principle that when two jurisdictions agree that they will deal with a given area, that jurisdiction has faith and confidence that the decisions made by the other jurisdiction are acceptable.

12 noon

I will give you another example. There is a social agreement between Canada and France, between Canada and Italy, on—

**Mr. J. F. McDonald:** This understanding was reached in accordance with the principles of that agreement, sir.

**Mr. Di Santo:** Okay. If you will let me finish, you may understand that this agreement is completely different from the social agreements between Canada and France, and Italy, Canada and many other countries, because the basic principle of the agreement—and this is a social agreement—is that when a resident of either of the two countries moves to the other country, he or she is assessed by the authorities responsible in that country, and they can determine

whether the worker qualifies for a pension. I can tell you that because I am handling tons of those cases every week. And do not say “no.”

**Mr. J. F. McDonald:** If you will excuse me, sir. If an Italian worker who has been injured in Italy and is receiving a pension from INAIL moves to Ontario, and I mail a request to carry out an examination of that man, then we will provide INAIL with the findings, and they retain the right to make the final determination and entitlement within that claim. We have no jurisdiction in—

**Mr. Di Santo:** That is what is wrong with the agreement—

**Mr. J. F. McDonald:** That is exactly the same thing.

**Mr. Di Santo:** That is what I am saying. That is what is wrong with the agreement. This jurisdiction, on the basis of the agreement, should make the final decision. That happens with the social agreement between Italy and Canada, between France and Canada, between the United States and West Germany, and in all international agreements. This is a basic principle, and that is why I am upset. That you are making a great deal of disagreement does not mean anything.

**Mr. Chairman:** I do not think we are going to change the agreement this morning.

**Mr. J. F. McDonald:** One other point I would make—

**Mr. Chairman:** It works both ways as it stands, and we are not going to change it this morning; so if you have no further remarks, we will go on to the next speaker.

**Mr. Di Santo:** I render my remarks under main office. We are under main office and it is my right to express my opinions.

**Mr. Chairman:** We are taking the time of the committee for something we cannot change in the committee.

**Mr. Di Santo:** I would also like to ask the chairman of the board to explain—he says on page six of his statement: “We also opened a major information centre for workers in Toronto’s west end to provide easy information access for this community in their own neighbourhood.” Can the chairman explain why they thought this centre should be opened while there were two existing centres that were closed? Actually the service has been reduced, not enlarged. Can you explain why, in the first instance, you had to close two centres in two areas where most of the ethnic workers reside, and why you had to concentrate the two offices?



**Hon. Mr. Starr:** Based on the expense of both centres, we thought that there was no necessity to maintain two offices in the city of Toronto, but rather to establish one with sufficient staff in a more central location to provide the same type of service. From the reports that I have received, this was a good move, the right move to make, and it is providing the services we had hoped to be able to give to the residents. As a matter of fact, I have had no complaints whatsoever regarding this move, not one complaint from any claimant or from any employer, who also get service from this office.

**Mr. Di Santo:** I would like to say, I do not personally see why Weston is less central to the injured workers than St. Clair, or why College Street is less central to—

**Hon. Mr. Starr:** Weston had very little access by claimants. They did not use it as much as we had hoped, and the new location was based on the complete co-operation and input of various groups that we hoped to serve there, with the agreement that this was the proper location. Nobody approached you for your advice on this, did they?

**Mr. Di Santo:** No, nobody approached me. I would like to ask whether you have any statistics or figures about people having access to the two previous offices and the present office?

**Hon. Mr. Starr:** I think Mr. Stewart can give you some information on this.

**Mr. Stewart:** My name is Chuck Stewart of the counselling branch. The basic reason for amalgamating the two centres was to take the staff of six we had in both offices so we could combine our language facilities. We assumed that the northwest centre in the Lawrence area was not nearly as busy as the centre in the College Street area. For that reason, we felt we could combine our staff in our services so they could get out into the community more on the basis that if there were three in an office and one was away on holidays or someone was sick, there would be very limited services in terms of getting out into the community. If we had a frequent amount of visitors, we would not be able to service them as well. These are the basic reasons we took the two centres and put them into one.

From previous statistics that are available, which I could provide for par years, the northwest centre was not nearly as busy as the College Street centre. By combining the language facilities within those two offices, we now have the ability to have the counsellors get out into the community. Since we

have amalgamated the centres, we have regular visitation programs offered to the Portuguese community and to several of the Italian organizations. In fact, we made 25 visits early this year to many Italian organizations. I could read them all the way through in the east end, the west end and in the north end. We are getting out and talking to people who are in these organizations. We are offering the services of a visitation of a counsellor if they need it. If they have problems in any area, whether it be claims or rehabilitation, we are bringing these questions back to the branches involved. I think we are doing a better job since we are now combined.

**Mr. Di Santo:** Do you have figures of the people who are coming to the present office who were going to the previous offices?

**Mr. Stewart:** The statistics have actually risen when you look at the total. I don't have the totals up to date, but I can provide them to you if you so wish. I understand the totals are greater in the one office than they were in the combined offices, looking at it year to year from 1979 to 1980.

**Mr. Di Santo:** I defer to my colleague Mr. Martel, because he will not be here tomorrow. I would like to be put on the list for Thursday.

**Mr. Martel:** Mr. Chairman, I have three points I want to deal with with respect to head office. The other night in my opening remarks I indicated, as I have done before, that it is totally silly for all of us here to have to send our assistants down to copy medical reports in longhand. Surely we should be able to get Xerox copies of medical reports so that our assistants do not have to spend three and four hours copying them down in longhand. That seems to me absolutely ridiculous.

My understanding of the reason the board changed that a number of years ago, was there was a company—I won't name the company—going through the files and was using the medical evidence there to appeal a decision that was not favourable to the company.

12:10 p.m.

I understand the problem with medical reports. If I want a medical report from a doctor, I have to get from the worker an authorization to write the doctor in order to get a response. Surely the same system could apply with the board. If we got an authorization from the worker that he was giving us the authority to see the medical reports and get Xerox copies, that is the same as what

we are doing with getting them directly from the doctor.

I understand all the safeguards that were built in as a result of the Krever report but, none the less, we do it now with doctors. We get the authorization and we get a doctor's report. But there are reports we do not have access to. I know that my assistant has been up there and my colleagues' assistants have been up there.

The whole reason for bringing it in was that companies were using it to their advantage. But the company, too, would have to get an authorization from the worker. I would suspect that most workers would tell them where to go. In order to prevent the company from getting that, we should not make it impossible for the worker's representative to see the medical reports. We should stop all this nonsense of sending high-priced help around and spending hours copying down what you could get in a couple of minutes by Xeroxing. Surely it is time we changed that.

Mr. Armstrong: I am not familiar with the process, Mr. Chairman. From what you are saying, Mr. Martel, I understand that while you can copy the material you cannot get a Xerox of it. Is that it?

Mr. Martel: That is right.

Mr. Armstrong: You write it out in long-hand?

Mr. Martel: It takes hours.

Mr. Armstrong: Maybe Mr. MacDonald or some other official here can explain the rationale for that.

Mr. A. G. MacDonald: The problem of disclosure is one the board has struggled with for a long time. I think it is fair to say that our present procedure, which allows authorized representatives to read the file and to write down information, is about as far as we can legally go at this time. In the first place, the doctor's report is privileged under the act. It is his report and the board's and no one else's, as I understand it in law. None of the other compensation jurisdictions that I know of goes even as far as we do in disclosure.

However, we have provided a full detail of everything we do to both the Williams commissions and the Krever commission. We are looking forward with interest to their recommendations. We would like to solve this problem as much as you would. I know it seems silly to be able to write something down and not take a picture of it, but I am told that from a legal point of view we cannot go that extra step of allowing one to make Xerox copies. Maybe Mr. Reed would

care to comment; I don't know. Is my statement a fair assessment of it?

Mr. Reed: As I am sure Mr. Martel knows, the board does permit tape recording machines to be brought in. In other words, you do not have to write them out in longhand. You can bring in a tape machine and dictate the record into it.

Mr. Martel: I did not know that.

Mr. Reed: The board approved that a year or so ago.

Mr. Wildman: What about access to board memos?

Mr. Reed: All contents of the file are before you when you come in. Nothing is removed except coroners' reports. They are removed because when we receive them they are stamped, "These contents may not be divulged to anyone else except with the permission of the chief coroner." Permission can usually be obtained from a solicitor in the Solicitor General's ministry.

Mr. Di Santo: Is it not possible that you could release the medical information to the MPPs or to representatives the injured worker chooses in the same way that you release that information to the Canada Pension Plan, for instance?

Mr. Reed: I am not sure what you are driving at, Mr. Di Santo. Release it when?

Mr. Di Santo: When it is requested, instead of having us or our assistants going there and looking through the files. When we request relevant information, why is it not possible to send it to us?

Mr. Reed: It has been the board policy that representatives will have access to the file. But that is as far as the board policy has gone at the present time.

Mr. Di Santo: But isn't the same policy applicable to the Canada Pension Plan?

Mr. Reed: I would prefer someone else to deal with the question of what is released to the Canada Pension Plan, because that is not a matter that is dealt with in the appeals system.

Mr. Di Santo: Perhaps the chairman of the board can answer. To have access to the file we have to go to the board physically. If I ask for a medical report you don't release to us the medical information that we think is important to have for us to handle the case. Why are you releasing that information to Canada Pension Plan, for instance? Why cannot your policy be flexible to the point that you treat a representative of an injured worker in the same way as the Canada Pension Plan? What is the difference?

**Hon. Mr. Starr:** I don't want to tread upon this area personally, but Mr. Kerr might want to talk on it.

**Mr. Kerr:** If I may, I would like to comment on that. Requests such as that do come to the claims services division and, as Mr. Reed says, they do not go to the appeal system.

I think perhaps there is a little misunderstanding. We do not give copies of medical reports to the Canada Pension Plan. If the Canada Pension Plan medical examiner, or whoever he is, requests medical information, the request is given to one of our doctors in the medical branch. He does not send him copies of the medical reports on file. He will do a summary of the medical information on file, describing the man's condition. But the Canada Pension Plan person does not receive a copy of any medical reports on file. He is provided with a summary of that information.

**Mr. Di Santo:** When I go to a Canada Pension disability appeal, invariably they will tell me, "We have the following information from the Workmen's Compensation Board." Then they quote and unquote what you send to them. If we ask for the same information, why don't you provide us with that information?

**Mr. Kerr:** I think we are getting a little bit confused. We started out talking about information in the appeals system, which is what the member brought up, and then you got into what information we provide to Canada Pension Plan. As I understand it, when a claim goes into the appeal system you do receive a summary of information.

**Mr. Wildman:** He is talking about a Canada Pension Plan claim; not a workmen's compensation claim.

**Mr. Kerr:** I realize that, sir. What I am saying is they are two different situations. When you are in Ottawa and before Canada Pension Plan or wherever it is you go and he reads something to you, he is not reading a copy of a medical report from one of the VCB claim files. He is reading a summary of information that has been provided by one of our WCB doctors in response.

**Mr. Di Santo:** That is the point. I can appeal and have the summary information in front of me and what they were reading was not my summary of information. Which means you are providing them with supplementary information that we are denied.

**Mr. Kerr:** You are talking about an appeal before the Canada Pension Plan?

**Mr. Di Santo:** Yes, sure. I can also mention the name.

**Mr. Kerr:** That is beyond our jurisdiction. Perhaps it is something you have to discuss with the Canada Pension Plan.

**Mr. M. Davidson:** Mr. Di Santo is saying the summary of information received from the board and in the hands of the Canada Pension people is a different summary of information from what he has.

**Mr. Kerr:** It shouldn't be. I think you will have to give us an example.

**Mr. Di Santo:** I will.

**Mr. Kerr:** Thank you very much. Because it shouldn't be.

**Mr. Martel:** Even dictating it, it all goes back and then somebody has to pound it out on a typewriter, and that is time-consuming. I hope this is resolved by this time next year. But I just think it is a waste of valuable time to have to go that route.

12:20 p.m.

Leading from that, last year we suggested that the board should hire a medical person who would not be looking at any claims but would be in the office of the board to assist people who were trying to help workers. I think everyone in the room would agree—at least I hope they would—that we are all out to assist injured workers. I see medical terminology and I don't know what the hell it is about. I have to admit, I just don't. Outside of Dr. McCracken, I suppose most of us in the room are in exactly the same position. Unless you have the assistance of a doctor—I happen to be fortunate; I consult a colleague of mine frequently, and his dog doesn't bite me.

Frequently I don't know what the hell is going on. When they start talking about the olecranon, what in God's name is it? We can't represent a worker adequately without that type of assistance. I thought the board was sold last year on the idea of hiring someone who would be independent of the medical staff, independent of looking at claims. He or she would be there to assist not only members of the Legislature but also any advocate that was working on behalf of a claimant.

It seemed to be acceptable to you last year. Certainly the comments I heard after the meeting where it was discussed were favourable. I thought that was going to occur. I spoke to the Minister of Labour (Mr. Elgie) and he thought it was a good idea. Nothing has happened; why?

**Mr. Armstrong:** Really, Mr. MacDonald or Mr. Starr should answer this. I understand there was some discussion during the com-



mittee proceedings last year about your suggestion. I don't know what the record shows, but perhaps you could give me a recollection on what I have heard and what has happened, if anything, since.

**Mr. A. G. MacDonald:** Mr. Martel is quite correct that we agreed on principle that this would be a good idea last year. We subsequently wrote to the minister suggesting if such an individual were to be hired perhaps it would be more appropriate to have him or her on the Ministry of Labour staff. We also suggested that the matter of where the workman's adviser should be situated was part of that subject. There has not been any decision made about that to date. Perhaps you should wait until the minister is back and he might comment.

**Mr. Martel:** We will pursue it with the minister. Let me ask you another question. Why are we only starting to pay benefits for workers who have 35 decibels of hearing loss and at 25 decibels we pay just medical benefits? As I understand it, in the United States they start paying for hearing loss at 25 decibels.

**Dr. McCracken:** The basis for the 25-decibel level and the 35-decibel level is predicated upon long-established and reverified medical opinions by outside consultants that there is no identifiable hearing loss below 25 decibels. Similarly, from 25 decibels to 35 decibels there is an identifiable hearing loss which may be helped in some persons by the wearing of a hearing aid, either on a full-time basis or intermittently depending upon ambient noise levels. It was further determined that a disability is identified as 35 decibels.

In Canada, the 25-35 decibel is effective in all provinces with the exception of British Columbia. I think British Columbia has a two-decibel difference, but when one works it out it has no effect at all. It is essentially the same.

Having said that, the amount of disability they allow in British Columbia goes from a minimal amount of 0.51 per cent up to a maximum in a totally deaf person of 15 per cent, whereas in Ontario it goes to 30 per cent.

In most American jurisdictions where disability is allowed for hearing loss, the disability is paid for so many weeks and then the award is terminated. In other words, while it might be paid at a lower level, from the way it is paid and the duration for which it is paid, it is not a lifetime pension. It ends up as not being comparable to what the Ontario board has done.

Similarly, the British system will pay for a limited length of time. There are certain select industries in the British system that will accept hearing loss claims, despite the fact that in many other industries there is a noise hazard. But if one doesn't happen to be working in the right industry in the United Kingdom, he can go stone deaf and his claim will not be allowed.

**Mr. Martel:** Does that mean totally deaf?

**Mr. Wildman:** Here you can go stone deaf in one ear, but if you've still got hearing in the other ear, you can't be compensated.

**Mr. Martel:** That is right, if you don't have it in both ears.

**Dr. McCracken:** I would submit that the cases where one finds that a man has normal hearing in one ear and is totally deaf in the other because of exposure to noise are few and far between. I can't even remember one.

**Mr. Wildman:** There are cases of a slight loss in one ear and heavy loss in the other ear.

**Dr. McCracken:** If a person has a slight loss in one ear and a total loss in the other, in all probability he has an allowable claim and is paid a permanent disability for his total hearing loss in the one ear.

**Mr. Wildman:** It doesn't look that way.

**Mr. Martel:** Wait a minute; no, only if he has been in an accident.

**Dr. McCracken:** In traumatic cases, yes; but in the other cases, if he has a hearing loss in the one ear—

**Mr. Martel:** In a case of a loss of 60 decibels in one ear and 25 in the other ear, he doesn't get compensated.

**Dr. McCracken:** But if he has a loss of 30 in the other ear, he does. In other words, if the hearing loss in both ears is in excess of 25 decibels, it is an allowable claim.

**Mr. Martel:** It is an allowable claim for medical aid only. But if he has a loss of 60 decibels in one ear and 25 in the other ear, he gets only a medical claim; he does not get any disability allowance.

**Dr. McCracken:** That is correct, except for traumatic cases.

**Mr. Wildman:** I know situations where fellows with hearing losses are getting a small pension yet they can hear better than other guys who work in the same area. Because they've got it worse in one ear than in the other, they're not getting it. It just doesn't make sense.

**Mr. Martel:** You're going to be getting a report. Have you seen the report from Dr. Alberti and Dr. Pearsall yet?

**Dr. McCracken:** I haven't seen any report from Dr. Alberti and Dr. Pearsall. We have received a report from the special task force of the Advisory Council on Occupational Health and Safety. Is that the one you're referring to?

**Mr. Martel:** When is that going to be made public?

**Mr. Armstrong:** Their annual report is printed and is about to be circulated. The reference to it is in there, I'm not sure but whether the actual report is, I'm sure Dr. Mustard would be prepared to consider the question of making that public on request.

**Mr. Martel:** Let me ask you one final question. My colleague from Nickel Belt (Mr. Laughren) raised it last night, and I don't know where to go with it. When the claimant gets caught between an insurance company and the WCB—we get a number of these, because most of the workers in my area belong to a big union, either Mine, Mill or steelworkers—that is a hell of a mess to clean up. The worker is denied benefits from the WCB, the insurance company says it is a WCB claim, while the worker sits in the middle without any income.

There has to be a way to sort that out. You can ultimately suggest to the worker he can go to welfare while the appeal is pending, but that is not the answer. There's a stigma about welfare so that most workers don't want to touch it with a 10-foot pole.

12:30 p.m.

I've raised this matter in the past. I've certainly raised it on many occasions in correspondence with the chairman and various members of the board. But surely we have to sort that out. I mean, the case could drag on for months and months. If the insurance company wanted to, it could pay, and I guess the board would pay the insurance company back in the form of an assignment. But it doesn't happen as often as it should.

I don't see why, when the worker is protected by WCB and at the same time he's protected by his Metropolitan insurance, because there's a difference between the board and the worker, the worker can't get either. There has to be a way out of that jungle, and the worker should get it one way or the other, even if it is by the board assuring the insurance company that it would be reimbursed if the claim is successful. Cannot the board take the initiative to sort out those

problems so the worker isn't caught in the middle?

**Hon. Mr. Starr:** Have you any comments on that, Mr. Kerr?

**Mr. Kerr:** Yes, it is a problem and, administratively, it is sometimes very difficult to help resolve the problem.

I think the point that Mr. Martel mentioned, that it's not very tasteful for people to apply for social assistance or welfare, is true.

Concerning the number of insurance companies who pay benefits or put workers on sick leave, or whatever you want to call it, we have a fair number of claims where that is done. Perhaps the claim hasn't been accepted or it has been rejected and is being appealed to go to higher levels for consideration, and we do accept an assignment of compensation from the individual to repay whatever it is to the insurance company if and when the claim is allowed. As to that taking place fairly frequently, I haven't any idea statistically how frequently it happens, but we have seen a fair number of those things.

One of our real problems is that we frequently do not know that the man is covered by private insurance; or indeed he may apply for private insurance coverage that he thinks he has, and we know nothing about it when we're handling the claim and are in a position where we must not accept a claim at that point in time. We don't even know frequently, Mr. Martel, that he has coverage. Perhaps through just general knowledge, we know these companies have a health plan for their employees.

But it puts us in a difficult position, because we get accused of brushing off an individual if we suggest that he seek private insurance, if he has any, or that he seek social assistance. Sometimes that's misinterpreted, in our effort to help the person to make sure he doesn't fall between the outfielders. That's misinterpreted as trying to get out of our responsibilities.

On the other hand, it is a help if something of that nature can be done, provided it isn't misinterpreted along the lines I've mentioned. It is a real problem, administratively, how to help those people.

Within the limits of our legislation, I suppose there isn't much we can do legally to help anybody. If we know that the individual is perhaps entitled to insurance of some kind, we take the initiative, as you have put it, and suggest to him he explore the possibility that he may be entitled to

some other benefits pending the appeal of his claim, or whatever the situation is.

I think what it really boils down to is that do we know at that point in time that the man is covered by some form of other insurance. That's not very helpful, I know, and I realize it is a difficult problem.

**Mr. Martel:** While I realize it is a problem—

**Mr. Chairman:** Could we break the discussions now? It is 12:35; we will adjourn and come back tomorrow night.

**Mr. Van Horne:** Before we adjourn, I would like to ask, as I did in my opening comments, if Mr. Pearce would be able to be here.

**Hon. Mr. Starr:** Mr. Pearce has been here, yes, and he will be here tomorrow.

**Mr. Van Horne:** Thank you.

**Mr. Chairman:** The meeting is now adjourned until eight o'clock tomorrow evening.

The committee adjourned at 12:35 p.m.



## SPEAKERS IN THIS ISSUE

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**From the Ministry of Labour:**

Armstrong, T. E., Deputy Minister

**From the Workmen's Compensation Board:**

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McCracken, Dr. W. J., Medical Services Division  
MacDonald, A. G., Vice-chairman Administration  
McDonald, J. F., Secretary of the Board  
Reed, G. W., Vice-chairman Appeals  
Starr, Hon. M., Chairman  
Stewart, C. D., Director, Claims Information and Counselling Services Branch  
Wisocky, J., Executive Director, Vocational Rehabilitation Services Division







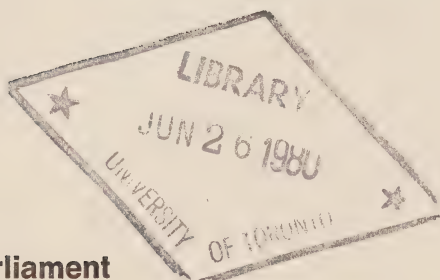




# Legislature of Ontario Debates

## Official Report (Hansard)

**Standing Committee on Social Development**  
Estimates, Ministry of the Environment



**Fourth Session, 31st Parliament**  
Thursday, May 29, 1980

Speaker: Honourable John E. Stokes  
Clerk: Roderick Lewis, QC

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# LEGISLATURE OF ONTARIO

## STANDING COMMITTEE ON RESOURCES DEVELOPMENT

THURSDAY, MAY 29, 1980

The committee met at 8:15 p.m. in committee room No. 1.

### ESTIMATES, MINISTRY OF THE ENVIRONMENT

**Mr. Chairman:** The meeting will come to order. Is the minister finished?

**Hon. Mr. Parrott:** Yes and no, Mr. Chairman. I think we could answer most of the questions during the appropriate votes. That might be more organized and keep us on schedule. We were supposed to have finished to reply last time.

**Ms. Gigantes:** Mr. Chairman, could I very briefly put a procedural motion that would clarify the rest of our work following on the House referral before adjournment?

**Mr. Chairman:** Ms. Gigantes moves that upon the completion of the estimates of the Ministry of the Environment the resources development committee consider the Ontario Development Corporation's 1978-79 Annual Report of Loans and Guarantees which stands referred to the committee on the Order paper.

**Ms. Gigantes:** I would like to speak to that motion very briefly. My understanding is we would be able to commence that consideration on Thursday, June 12, and to take it through on the following Tuesday evening and Wednesday morning for three sessions. This would take us through to the end of the session in terms of the committee work.

**Mr. Chairman:** Three sittings?

**Ms. Gigantes:** Yes. I move it now so that we will be able to get in touch with the people whom we would like to come before us as witnesses and give them enough notice to be able to come conveniently for our discussions.

**Mr. Gaunt:** Mr. Chairman, may I ask Ms. Gigantes who she anticipates will come before the committee as witnesses?

**Ms. Gigantes:** Yes. The referral would probably involve people from the Ministry of Industry and Tourism, executives of the

Firestone Company and some union representatives.

**Mr. Gaunt:** What ministry comes after Environment on the list?

**Ms. Gigantes:** I think it is Industry and Tourism.

**Mr. Gaunt:** We would not have enough time to finish that ministry before the end of the session.

**Mr. Chairman:** That is right. We wouldn't have.

**Ms. Gigantes:** It would be a warm-up session for them.

**Mr. Gaunt:** I see nothing wrong with the motion. It is supportable.

**Mr. Chairman:** I understand from the directives I get that they have no objection to it because Industry and Tourism certainly will not be completed in three sessions. But it is up to the committee and whatever it wants.

**Ms. Gigantes:** I think there is general agreement.

Motion agreed to.

**Mr. Nixon:** On a point of order, if I may, Mr. Chairman: Ms. Gigantes indicated general agreement. To what is she referring?

**Ms. Gigantes:** In the committee.

**Ms. Bryden:** Mr. Chairman, the motion was carried.

**Mr. Nixon:** Mr. Chairman, since that was only one indication of view, I thought perhaps the implication was that this had been discussed and agreed upon in another place.

**Ms. Gigantes:** I did not chat with one Liberal representative before the meeting and I spoke to the chairman.

**Mr. Nixon:** I wanted to be sure of what Ms. Gigantes meant by "general agreement." There is no way she would know there was general agreement except by her intuitive process, which is well known.

**Ms. Gigantes:** It often works out.

**Mr. Chairman:** I made a telephone call to find out if there was any objection to this. As stated, it was conveyed to me there would be perhaps only three sessions and we would

not be finished with the Industry and Tourism estimates anyway. They said they had no objection.

**Mr. Nixon:** It is very unlike the person to whom you might have been talking to say that without suggesting that at least part of the time spent on this might have been charged to the following estimates. But since that was not suggested, it is the furthest thing from my mind.

**Ms. Gigantes:** It never entered mine.

On vote 2101, ministry administration program:

**Mr. Gaunt:** Mr. Chairman, I thought that perhaps the place to start off on the first item would be to ask for some information or to give the ministry notice I would appreciate getting some information. The first thing has to do with the research report. I have a rather thick document here describing all of the research reports undertaken by the ministry or, if not undertaken by the ministry, at least involving the ministry in some way.

8:20 p.m.

**Hon. Mr. Parrott:** Every week we send you a great report to read. Do you promise you have read all of those?

**Mr. Gaunt:** I have not read them all. I am a great scanner.

**Hon. Mr. Parrott:** You are a great scanner. You are going to get a lot of stuff.

**Mr. Gaunt:** I wonder if it is possible to do that. Rather than reading the names of all of these various surveys and studies, could I just give it to the ministry? If there is agreement to provide that information, I would appreciate it.

**Hon. Mr. Parrott:** Mr. Foley is here. If there are any specific questions, I think he would be best able to answer. If not, perhaps you would give him that list and he will respond.

**Mr. Gaunt:** I would be pleased to do that. I do not know the appropriate questions to ask without seeing the studies.

**Hon. Mr. Parrott:** But you want those studies delivered some time during the estimates?

**Mr. Gaunt:** Not necessarily during the estimates. I will be happy as long as I can get them within the next month or six weeks if they are completed. Some of these will not be completed. I see that some of the reporting dates are 1980.

**Hon. Mr. Parrott:** It is a fairly important part of our activity. Mr. Foley will take a few minutes if you wish, to scan through them.

**Mr. Gaunt:** I would appreciate it. Let us start with the assessment of the King technology for disposal and go on to the chemical destruction of hazardous polychlorinated organic compounds; site identification studies; beverage container compliance survey; strategy in waste management planning; development of waste management models; solid waste generation in Ontario; and the use of refuse-derived fuel in cement kilns, particularly the air emission testing prior to and during the firing phases of the study. Would Mr. Foley like to give me an overview?

**Mr. Foley:** Quite frankly, no. I do not think I am really capable of giving you an overview of that broad a spectrum of what all of those projects involve because they cover almost the entire range of the ministry's activities in research.

I happen to know about the first one in detail, namely, an alternative method for the chemical destruction of such things as PCBs. That particular study is a feasibility study, not a research study, which we funded in order to have a proposer take a look at an alternative method, using naphthalene, which, when reacted with a metal, produces a chemical that is a superb reducing material. It has been proposed that such things have the capability of extracting the chlorine out of PCBs. If you remove the chlorine from PCBs, what you have left is a rather innocuous chemical which you can then dispose of without a terrific amount of concern for its environmental effects.

The feasibility study report has not come back to us at this point in time. The University of Waterloo is doing the work and has a meeting with us which is scheduled for mid-June. I think they have had some problems in the feasibility study and they just don't know really where to go. That is the status of that particular report.

**Mr. Gaunt:** I notice the reporting date is December 1979, so there has been a bit of time lag.

**Mr. Foley:** There frequently is, as you can understand. That is a research grant to the University of Waterloo. The reason for the delay was illness on the part of the principal investigator. He didn't get started until about the middle of last year, and as of April 30 he still had about one-third of the funds we advanced him. We've given him an extension until the end of July to use that money up and to report to us on the feasibility of proceeding with that particular idea.

**Mr. Gaunt:** This particular process is quite different from the arc process.

**Mr. Foley:** That is right. It is. It is purely a chemical process. I can't really say any more than that. As I say, it was a feasibility study. Not just this individual alone but a number of other people have suggested this process as an alternative method that should be looked at or at least considered in the disposal of such things as PCBs or, for that matter, any chlorinated chemical that is a problem. Therefore, it has some attraction to us.

**Hon. Mr. Parrott:** These other studies, Mr. Gaunt, would really be better considered under vote 2102. We will have specific people here to deal with them, depending on which section they are under. You have caught us a little by surprise on this. I thought we were on vote 2101, item 1. That doesn't change Mr. Foley's comments, but I think we'll have more details under 2102.

**Mr. Gaunt:** I need some direction, Mr. Chairman. I wanted to alert the minister to the information I would like. I can deal with these under specific votes. If the chairman wants me to go through the individual research studies, I could do that. It perhaps would be time-consuming.

**Hon. Mr. Parrott:** Why can't we have the list right now and I will make sure there is sufficient staff here to answer. We could not do it tonight, given the schedule, but we will defer it until Tuesday. We will answer them one way or the other when we have notice.

**Mr. Gaunt:** I will give you the list. It is the only copy I have.

**Hon. Mr. Parrott:** We will even make one and give you the original.

**Mr. Gaunt:** Will I count the pages?

**Mr. Scott:** You are secretly transferring your Xerox bill to us.

**Mr. Gaunt:** I wanted to find out the control orders due this year. We mentioned this last year. We received it and discussed how many court cases were involved in these control orders, whether or not the companies were complying at the point when the control order matured, what the highest fines assessed would be and the percentage of compliance rate as a performance percentage over the past year.

In terms of policy matters—and I presume I am quite in order to discuss matters of policy on the first item—I wanted to pick up where we had left off yesterday on the matter of funding citizens' groups before Environmental Assessment Board hearings. My colleague has a question, I presume.

**Ms. Bryden:** No. I wanted to get on with this stuff. I was trying to get the chairman's eye to get on the list.

**Mr. Gaunt:** The minister has indicated the position. We talked yesterday about the fact that the statement of April 17 was not a new policy directive; it was simply an indication of the already existing situation.

8:30 p.m.

I had indicated that as far as I was concerned, my perception was that it was a new policy. I think that is confirmed in the letter of April 25 from the Canadian Environmental Law Association, addressed to the minister, in which it deals with this particular subject. Part of the letter says:

"CELA would request further information and details on this new policy. But, in the meantime, we want to raise a number of questions and concerns that arise out of your statement. Who decides if experts are needed?" We talked about that yesterday, and you indicated the board decided that. "Whose witnesses would these experts be?" I presume they would be the board's witnesses, based on our previous conversations and discussions. "Would there be a right to full cross-examination?" I presume the answer to that is yes, based again on our discussion.

There is another question here, however, that we have not really dealt with. That pertains to the funding proposal applying not only to the Environmental Protection Act and the Ontario Water Resources Act, the two of which were mentioned in the statement, but also to the Environmental Assessment Act. I presume the same situation would apply to the Environmental Assessment Act as applies to the other two.

**Hon. Mr. Parrott:** They had those broad powers.

**Mr. Gaunt:** CELA has indicated some criteria it thinks could be established with respect to funding people appearing before an Environmental Assessment Board hearing or any hearing under the Ontario Water Resources Act or the Environmental Protection Act. The letter was sent to you, so I presume you have reviewed those criteria.

**Hon. Mr. Parrott:** Yes, we have acknowledged it.

**Mr. Gaunt:** Do they strike you as being workable, as feasible, as reasonable? Do they strike you as being something with which you want to associate yourself, or would you entertain it at this time to consider that?

**Hon. Mr. Parrott:** I think a formal response has gone back. We acknowledged receipt. We will be responding in greater detail in



due course. I also enclosed a copy of the Hansard in which we had an exchange in the House on this very matter. Therefore, we have not drafted the final response to the letter.

I think it would be an excellent exercise now to do two things. One is to have the director of legal services discuss it at some length. Secondly, if we are going to use this time in a productive way, it would be interesting to get to the specific mechanics that should be used, if and when. There are so many questions that become so difficult to answer after you say yes or no.

Let us assume for the discussion that we said, "Yes, we are going to fund." Does that mean everyone? There would be many times when there would be many groups. Given that the lawyers do need the work these days and knowing that your colleague who just left stated feeling for the profession and the need to help them, would it be logical then to assume that every citizens' group, subdivided as it might eventually be, would have equal access to funds? Those are the really difficult problems one must address once one has got past saying, "Yes, it is a good idea." How many would you fund?

Let us take a hypothetical situation in which a proposal was made, not where we were co-proponents. Let us take the Samuel Smith Park. That is a good illustration—there is a hearing going on now—in that people from the six boroughs which might be relatively affected by that park all form citizens' groups. Let us assume that the proponent—and it is Metro Toronto, is it not?—is prepared to state publicly that it is spending \$200,000 on this proposal. Tell me how much do you think we should budget in our ministry for funding groups for that one hearing? How would I distinguish between groups? There is one group from Etobicoke which, I think, had every legitimate right to be there and to be heard in cross-examination. They decided to hire Mr. Estrin, a reasonably well-known lawyer. Then, there are some in Scarborough, which is some distance away, who are interested. One could not deny it, but it was not exactly in the midst of the project. But it was a citizens' group out there that decided it too wanted to disagree.

I could give more specific illustrations of where there is a proliferation of interested groups, even on a hearing that is not yet ready to proceed, such as one about which your leader may have had a few things to say even today. I know of at least two or three and the list could be growing. Where and when do I or whoever administers that

funding stop? I think those are very practical questions which have to be addressed.

**Ms. Gigantes:** Mr. Chairman, may I ask a supplementary?

The Porter royal commission got into the whole framework of providing funding, which probably applies to other jurisdictions in Canada too. The royal commission in BC on uranium mining did very much the same thing. They would say to a series of groups, "We will provide funding to you if you get together and decide among yourselves how best you would like to be represented and then put a proposal before us that seems reasonable for funding." It can be done on the basis of an amalgamation of groups.

**Hon. Mr. Parrott:** You are saying one funding of one group and that is all?

**Ms. Gigantes:** For example, there is a series of communities or societies interested in a particular hearing. In most cases, I think you would find they would be quite pleased to have joint representation.

**Hon. Mr. Parrott:** In what amount? How would you establish the levels?

**Ms. Gigantes:** What you do then is ask them for a proposal. They would seek out consultants—a legal consultant or an environmental consultant or somebody of that expert nature—ask what the fee would be, give an estimate of the kind of work that would be involved in representing their case, get an estimate from the consultant, and then come to you to see whether that seems reasonable. It is just a very simple process in negotiation. I am sure that Arthur Porter would be glad to speak to you about the process he went through.

**Hon. Mr. Parrott:** I have talked to Dr. Porter about this. He made it very clear he was not interested in the adversary position. I thought we were miles apart. After discussing it with him, I found we were perhaps much closer. He made it very clear he was interested in funding, and having funding provided to, only those groups that wanted to investigate rather than to oppose. I think I am reflecting accurately what he said to me.

**Ms. Gigantes:** I think the process which he followed and which has been followed in other jurisdictions in similar kinds of hearings would probably be simply transposed to this kind of funding process for such appeals for hearings.

**Hon. Mr. Parrott:** We do not like guidelines in this province obviously. We would have to have some standards. What would the standards be for that?

**Ms. Gigantes:** Why don't you try it and find out?

**Hon. Mr. Parrott:** Tell me. I am listening.

**Ms. Bryden:** We have standards for legal aid.

**Mr. Gaunt:** You threw down the gauntlet yesterday—no pun intended. I was just looking around to see if Henry Landis, the general counsel, was here. You send him and me out of the room for two hours and we will come up with some criteria for you.

**Ms. Gigantes:** Ask for a proposal.

**Mr. Gaunt:** Are you taking me up on my offer? One for one is fair enough. What could be more fair?

**Ms. Gigantes:** Ask for a proposal.

**Hon. Mr. Parrott:** I think Ms. Gigantes just vetoed that proposal.

**Ms. Gigantes:** Absolutely not. We can have a lot of fun around this one, but the fact is that if you are interested in finding out how this process could work, then you are going to have to give it a try.

**Hon. Mr. Parrott:** Yes, but tell me the standards that you think are appropriate, such as unlimited funding.

**Mr. Gaunt:** Try for size the CELA criteria. I would like to get the minister's response and then we can go from there.

8:40 p.m.

**Ms. Gigantes:** I would be happy to join you.

**Mr. Gaunt:** First of all, they say, "There should be an ascertainable environmental interest for appearing at the hearing." Fair enough. That is obvious.

"2. It should be shown that those seeking funds do not have sufficient financial resources to enable them adequately to represent that interest and will require funds to do so.

"3. These funds should be available for disbursements, conduct money and necessary witness fees for expert witnesses and relevant reports and studies for the person entitled to assistance."

**Hon. Mr. Parrott:** Is that legal fees? I missed that.

**Mr. Gaunt:** No. It says here, "We have left the question of legal fees aside as your statement to the Legislature specifically dealt with expert testimony." They have left that out. My own view on that particular matter, I suppose, accords somewhat closely to that of my colleague from Brant-Oxford-Norfolk (Mr. Nixon).

"4. If several persons having identical or substantially similar interests apply for assistance from the fund, the minister or the board should have the discretion to issue one sum to all such persons."

**Ms. Gigantes:** There is a precedent. For example, I remember hearing the test of the Ottawa-Carleton regional plan hearing. The city of Ottawa gave funding to an expert who had to organize various community groups and their various interests in making presentations to the regional board and to the provincial hearing. It was not a terribly difficult task to allocate an amount of funds for community groups.

**Hon. Mr. Parrott:** How much was it?

**Ms. Gigantes:** I do not recollect at this stage. But community groups were quite satisfied to share the time of this resource person who helped them to gather basic information related to the plan, which they could then present with their particular interests in mind. There the variety of interests was very much greater than you are likely to find in the kind of process with which we are dealing here.

**Hon. Mr. Parrott:** Was there not one basic difference? This was a planning proposal, so people were looking for the ultimate in quality of the plan. They were not likely to be in opposition to the concept of planning. They would be opposed to that particular section of the plan—

**Ms. Gigantes:** That is right.

**Hon. Mr. Parrott:** —but they would not be opposed to the plan.

**Ms. Gigantes:** There were a variety of interests there which had to be brought together in the presentation. That was allowed because the resources were provided by the municipality of the city of Ottawa so that community groups that were participating would have the funds to be able to make a genuinely valuable contribution to the hearings.

**Hon. Mr. Parrott:** I think the terms of reference for the board now give them at least the first three opportunities. They can ascertain the interest, they can try to legitimize the need, and they can fund these witnesses. Those three things are already at the discretion of the board. In the name of justice, would you not prefer that the board has this power, so that the minister would not be seen to have limited the hearing for whatever reason? The board that will hear the appeal, should know infinitely better than the minister whether or not there are appro-

prate and adequate witnesses available? Would you not ask those first three functions to be at the discretion of the board, not at the discretion of the minister?

**Mr. Gaunt:** I see no problem with having them at the discretion of the board as long as the mechanism is there.

**Hon. Mr. Parrott:** I think those first three are legitimate.

**Mr. Gaunt:** As long as the mechanism is there. But let us just take the Ajax situation. We can deal with Ajax under another vote, but I want to use it as an example of the problem I see in this whole area. The ministry is a co-proponent of that proposal in that it is funding it to the extent of approximately \$270,000, of which \$100,000 is for legal fees. Under those conditions, it seemed to be a very unequal fight, if I may use that term loosely.

Those people who are concerned about the whole project feel that the entire weight is on the other side. As it stands now, they are not satisfied that there is any appropriate or reliable mechanism allowing them to bring forward their own witnesses so that at least they are assured in their own minds that all of the technical facts of the proposal are put before the board.

**Hon. Mr. Parrott:** Have they asked the board and have they been denied?

**Mr. Gaunt:** I think they came in and asked you and the Premier for funds.

**Hon. Mr. Parrott:** We told them that they could ask the board, make their case to the board, and the board would ascertain their interests. The first three principles are right there. The board has the power. I think it is willing, and certainly it has the approval of the minister à la this statement, to do those first three things for sure though not to provide direct funding as in "Here is a cheque."

**Mr. McGuigan:** Mr. Chairman, may I ask a supplementary on that point? One of the problems that bothers people about the offer is that they are asking if they can have these people prior to the hearing so that they will be able to talk to them in order to be able to prepare their case. It is fine to bring this person in during the trial, if we are going to use that sort of legal concept, but can they bring them in prior to the trial so that the other side can talk to them?

**Hon. Mr. Parrott:** I am afraid the process is not known as well as I am sure it will be, but the hearings are less structured than that. How many adjournments have we had in the Ajax matter? Does Mr. Caplice of the environmental approvals branch have any idea?

**Mr. Caplice:** Three.

**Hon. Mr. Parrott:** Let us assume we have had three, one for at least two weeks. You are asking for all this ahead of when the logic of the process unfolds. Here the hearing starts; the people make their cases; and the proponent makes his case. Until the proponent has that opportunity to make the case, who knows the deficiency of it? You don't. I think I am absolutely correct in saying that the proponent goes right through the proposal and then rests.

Then there is an adjustment. Then there is quite possibly an adjournment. If they want then to see or to understand the weakness, that seems the more logical time.

**Ms. Gigantes:** Why was there an interruption?

**Hon. Mr. Parrott:** You are asking before there is any evidence on the record at all that the weakness of a case be exploited. Who knows whether there is a weakness or not? With the greatest of respect, nobody knows any of the facts until the proponent has literally put the case there.

**Mr. McGuigan:** Because we have not had experience with these, we certainly did not realize how much time would be available for adjournments and so on. You are saying there is ample time.

**Hon. Mr. Parrott:** Sure.

**Ms. Gigantes:** Mr. Chairman, could I ask a supplementary?

**Mr. Chairman:** Are you finished, Mr. Gaunt?

**Mr. Gaunt:** No, I am not.

**Ms. Gigantes:** Why did the interruptions occur? We had a breakdown in the hearings essentially.

**Ms. Bryden:** Yes, they were challenged in the court.

**Ms. Gigantes:** That was why one interruption occurred. I think that speaks to the very point Mr. Gaunt and his colleague are raising, which is that groups should have some feeling of assurance as they go into a hearing that they are going to be able to have a satisfactory review of all the elements they consider important in that hearing.

**Hon. Mr. Parrott:** That is not true, of the one in Harwich certainly.

**Ms. Gigantes:** You were speaking of Ajax. That is what happened in the Ajax hearing. You say that the case has to be presented and nobody knows anything about it beforehand. There is material one can gather in terms of developments in other jurisdictions



and expertise in a particular area of technology.

8:50 p.m.

**Hon. Mr. Parrott:** Under the Environmental Protection Act, that will be put on the record. Under the Environmental Assessment Act, the whole proposal will be put forward in advance of the hearing. The public is well aware of the total proposal and has a chance to make it clear at the very beginning of the board hearing that these witnesses will be needed during the course of the hearing.

**Ms. Bryden:** Why was Ajax not under the Environmental Assessment Act so that it could have had the material ahead of time to look at?

**Hon. Mr. Parrott:** With respect, I think we have gone over that several times.

**Ms. Bryden:** You are making the argument when talking about Ajax that they could have had the material ahead of time if it were under the Environmental Assessment Act but they did not have it.

**Mr. McNeil:** Mr. Chairman, who has the floor here? I am a little confused. I thought Mr. Gaunt was asking questions.

**Mr. Chairman:** He did have it, but they are all wanting to ask questions on it. I presume it is of interest to them all.

**Mr. Gaunt:** Mr. Chairman, the fourth point is something that is not included in the current policy.

**Hon. Mr. Parrott:** That is right, and I am not ready to answer that tonight.

**Mr. Gaunt:** And you do not have any comments on that one?

**Hon. Mr. Parrott:** No. I had hoped that you would have said X number of dollars or percentage of the cost. Surely there is something fermenting there in your thought process that says it is an unlimited amount. It is limited to \$10,000 per hearing. I would think you would have something in the back of your mind which would suggest that that is an appropriate amount because some day and I think you are asking the minister to make that decision—it would likely have to vary and there would have to be some guidelines, some principles, some standards or whatever. No one wants to get down to that very difficult decision. The first three are easy; we have done them. The next one is not so easy.

**Mr. Gaunt:** How did Dr. Porter arrive at the amount? Did he take a percentage of the total cost he expended on the study?

**Hon. Mr. Parrott:** I do not know, but I think Dr. Porter had pretty free rein, and

the government was prepared to spend whatever he, in his wisdom, thought was necessary. I believe that is correct.

**Ms. Gigantes:** A very minor portion.

**Hon. Mr. Parrott:** But that is a slightly different thing from a minister having a budget of X number of dollars, and you demanding I should have that. We would have to show in one of our estimate items the cost of funding of witnesses. There would have to be some principle.

**Mr. Gaunt:** It would be a special fund—

**Hon. Mr. Parrott:** Sure.

**Mr. Gaunt:** —out of which money could be drawn to fund witnesses. What about Mr. Justice Hartt? Did he have a particular formula or ratio?

**Hon. Mr. Parrott:** Mr. Caplice would like to make some comments, I understand.

**Mr. Caplice:** In the case of Dr. Porter, I think for two separate years in the beginning of that hearing he was allocated funds in the budget process. I think it was \$260,000 for the first year, and then he got \$163,000 for the second year.

**Ms. Gigantes:** It was a total budget of \$5 million.

**Mr. Caplice:** Over the five year period, yes. As I recall, he spent something in the neighbourhood of \$300,000 on funding those groups he brought together, including groups that opposed nuclear power or wished to make comments. He allocated it as Ms. Gigantes said. He tended to group similar interests and then allow them to speak. For the last two years of his hearings, I think, he was not funding anybody. He thought he had heard from a fairly wide group.

So it was done through the budget process really.

**Ms. Gigantes:** By that time, I think, the groups involved, though they continued working without funding, had gathered together the material they used throughout the five years of the period. It was not necessary to fund them every year. Perhaps I could pick up one of the minister's comments to Mr. Gaunt when he said we would have to have an allocation here. I think that what we would expect in the Legislature is that when the estimates come before us, we would have an accounting of that funding and we would expect it to be justified. But, given the experience we had of the Porter commission and the way in which it has been worked with other hearings, I cannot see that it would be difficult to justify it. In fact, the Porter Commission drew rave

reviews all around for that element of the commission's initiative.

**Hon. Mr. Parrott:** It was one hearing, though a large one, and I think the number of environmental assessment hearings will be very large. I believe so. As we apply it to the municipalities, it will increase. As the grandfathering time has ceased, we are going to have large numbers of hearings. You are comparing one hearing with a limited activity to many of great variety. I would therefore think you have to talk specifically about each hearing that might be held and the variation in funding that might be necessary.

Secondly, I really cannot help but feel, given the newness of this act and the limited number of hearings that have been held under it—which I am sure we all agree will increase rather dramatically in the next few years—that it is premature to judge how valuable that act is and how effective it will be to protect the interests of the citizens.

**Mr. G. I. Miller:** What would be wrong with matching dollar for dollar? If you are giving \$100,000 to the applicant, what would be wrong with giving \$100,000 to the other side?

**Hon. Mr. Parrott:** I think there are several flaws in that. First of all, there is a lot less work on the part of those who would be reviewing it than of those proposing it. It requires a great deal of research. By definition, a person who has to conform with the proposal has to do all kinds of studies and make a great deal of effort to bring his proposal to the fore. You are saying, therefore, that you would spend as much on the opposition as you would on building the whole case? I do not think that necessarily makes too much sense.

**Mr. G. I. Miller:** You have to get it off the ground. The information is going to be yours. It is going to be in the public interest.

**Hon. Mr. Parrott:** That is the point. It is there. Somewhere or other that point seems to get overlooked every time. The information is coming forward.

**Mr. G. I. Miller:** How are you going to get the confidence of the people? That has been the problem.

**Hon. Mr. Parrott:** I have quite a few ideas on that.

**Mr. G. I. Miller:** If you give them \$100,000 on one side but you do not give them the same on the other side, then how do you get their confidence? If they do not need the budget, then okay, make sure it is not wasted; but you could have some control.

**Mr. McGuigan:** Mr. Chairman, could I put in a supplementary? The minister has asked for proposals. I would settle it a little more cheaply than my colleague. I am speaking specifically of the Harwich proposal, in which case the government, as you know, is the co-proponent and is guaranteeing \$100,000 to Brown and Ferras in the event of the failure of their proposal.

I understand the cost of their proposal is something in excess of \$200,000, so we might say it is roughly one half of what the ministry is putting up for them.

I am not sure that all of my constituents would agree with me, but I would think that a one-half split would not be a very bad deal in this respect in that every citizen has some obligation to protect himself. Even when he is being attacked by Goliath, he still has some obligation to protect himself. If people are not willing to put up some money, assuming of course they are able to put up some money, they probably do not have that good a case.

**Hon. Mr. Parrott:** You are making a valid comparison. As I understand it, the company will receive \$100,000 if the proposal fails and zero if it wins. In this case, the proposal is accepted.

Let us assume for a second that the proposal goes through. The board hears it and recommends it. We pay zero. Do you want the same rules to apply to the public that opposes it?

9 p.m.

**Mr. McGuigan:** No, I was not saying that at all.

**Hon. Mr. Parrott:** I thought maybe that would be a fair way of going about it because then I would have to decide. Do you see what is coming next?

**Mr. McGuigan:** Yes.

**Ms. Gigantes:** It is just a game.

**Hon. Mr. Parrott:** You are not making many positive suggestions.

**Ms. Gigantes:** Yes, I did.

**Hon. Mr. Parrott:** You are just saying, "Write a blank cheque." That might be all right for you, but it is not all right for us.

**Ms. Gigantes:** I did not say that, I said that if you were treating this matter seriously you would actually sit down and look at one or two cases where the request has been urged upon you.

**Hon. Mr. Parrott:** I can see it all now so beautifully. I would sit down and decide that groups three, four and five are agreed upon.

so we will give them \$10,000 in the best interests of the public.

**Ms. Gigantes:** I did not say that. Will you let me finish?

**Hon. Mr. Parrott:** I am sorry.

**Ms. Gigantes:** I did suggest to you that you sit down to look at one or two cases, reviewing what you think might be the possibilities, and look at how reasonable the requests might be to you. We do pilot programs in a lot of things to try out processes, especially in this government. We do pilot programs long after we should have had programs instituted and operating on a comprehensive basis. It seems to me that if you are serious about this you take one or two cases wherein the public demand for funding for public participation has been very strong. You would look at them and see if you cannot reasonably find a way of getting a request in formal terms from the groups that are interested in making the appearances and take a look at the amount of money that is involved. As a reasonable person, you are capable of determining whether the requests are reasonable. I do not think you are going to be able to find these so-called guidelines, percentages or anything else. But it will have to take some judgement on the part of the board, once the process has become acknowledged.

**Hon. Mr. Parrott:** On the part of the board, you said?

**Ms. Gigantes:** Sure.

**Hon. Mr. Parrott:** Not on the part of the minister?

**Ms. Gigantes:** No, but I think as the minister you should. You are going to insist that percentage rules be set up first and you are going to play these games about the level of funding and all that jazz in an abstract way instead of dealing with concrete situations. You will not sit down and talk about concrete situations with the people who are making the requests.

**Hon. Mr. Parrott:** We already have. You're asking me to sit down and talk about a concrete situation. We did. We were asked for equal funding in two illustrations tonight for \$100,000 each. It had nothing to do with whether it was necessary or not; it was just in the principle of fair is fair for \$100,000 each.

**Ms. Gigantes:** That is not what I meant.

**Hon. Mr. Parrott:** That is the case that has been made both here and at the meeting to which we came. I had nothing to do with the

need. With respect, when we met with the people of Ajax, they did not discuss the need. They discussed one point. They wanted equal funding whether the work was equal or not.

**Ms. Gigantes:** If you are being honest in asking how it should be done, then I will make my own suggestion to you that it should be done with a little work and initiative by the ministry at this stage. It should not be done by playing games with abstract proposals.

**Hon. Mr. Parrott:** I can just hear the games you might play after I allocated \$10,000, which might be quite sufficient in the Ajax illustration, while \$100,000 went to the proponent. And that might be quite legitimate. I would bet a lot of money you would have a few games to play yourself on whether or not it would be \$10,000.

**Ms. Gigantes:** Did you hear Dr. Porter complaining about anybody gaming? You heard the amount he gave for public participation.

**Hon. Mr. Parrott:** If you think I am opening up the floodgates to that degree, I tell you I will not.

**Ms. Gigantes:** He spent \$5 million. He allocated a few hundred thousand dollars to public participation, and nobody argued about that. There is a willingness to be reasonable on the part of groups that are serious about their participation in these reviews. They are grateful to be able to get hold of resources that allow for real participation and for the resources to submit a good case.

**Mr. Gaunt:** I guess the key question is, are you satisfied with the current situation?

**Hon. Mr. Parrott:** I really do think it is premature to change from the present situation because, quite frankly, the act has had only one hearing. I would like Mr. Mulvaney to give us an overview now of how many options are open to the board and to the hearing process and to comment on the fact that only one hearing has been held. Surely it is a bit premature in a way. Mr. Mulvaney, would you comment on a couple of these aspects for us please?

**Mr. Mulvaney:** My name is Neil Mulvaney, director of legal services for the Ministry of the Environment. We are involved in the first hearing under the Environmental Assessment Act. It involves a proposal by the Metropolitan Toronto and Region Conservation Authority to create a park by landfilling into Lake Ontario.

We are feeling our way; there is no doubt about it. In a number of areas, the board has



had to agonize over its role. We have had to give a lot of thought to how we are going to approach it. We decided, eventually, that we would appear as counsel, which we did under instructions from the minister, not to oppose the proposal, nor to support it, but with the object of taking on the role of bringing out all the evidence which the board would have to have at its disposal at the end of the hearing in order to make a well-informed decision.

That view was unpopular with the proponent. He insisted on referring to me as his opponent. But we have stuck to that and we think we may have hit upon the correct approach to proceedings of this kind. I do not suggest that it pre-empts the need for active participation by other parties, but there would be a possibility, certainly, for counsel for the minister in such hearings to bring forward a range of expert witnesses. We have called five so far in this hearing.

**Hon. Mr. Parrott:** You called, the board has called, or the process has called?

**Mr. Mulvaney:** The proponent called about eight, all expert witnesses, and we are now on our fifth expert witness. In that way, the expert witnesses who we feel need to be there are brought before the board; then they are available to the other parties to pursue in cross-examination. Other parties are represented as well. Ratepayers' groups and waterfront property owners' groups are represented there.

I understand they had discussions with CELA as to whether they wanted CELA to represent them. In the end, they chose to act for themselves. They are not lawyers but they are doing a very good job. There may be a lot of value in trying to hit upon a format in these hearings which does not always require a high content of lawyers and a great clinging to the traditional linear approach of legal proceedings. I think we have to try panels of witnesses, rather than the traditional witness cross-examination or re-examination, to cut down the time involved in such hearings. I think that could become a problem, as this one is becoming lengthy. It is an important hearing as it does involve landfilling into Lake Ontario.

I can say we are feeling our way. We have made a number of judgements, probably not all of them correct, but the process looks workable.

**Ms. Gigantes:** Do you think it would work for burning PCBs?

**Mr. Mulvaney:** Maybe it would work there too. But we have another problem right now

with burning PCBs. There is a bylaw which prevents it, which is another story as you know.

**Ms. Bryden:** How many expert witnesses have the citizens' groups asked to be called?

**Mr. Mulvaney:** They have not yet suggested any. The proponent has shown great concern that all of the ones we have called seem not to be in favour of landfilling in Lake Ontario. The rationale for that was that the proponent was already doing a good job of bringing forward witnesses from among those who did support landfilling. We were trying to present a balanced picture.

9:10 p.m.

**Hon. Mr. Parrott:** I think that is really important and I wish the members of the committee would see that as a valid position for the ministry to take, as the chief protector of the citizens. That really is the role of government. I know in this House we find that not the easy way to accept, but that is the role of government.

**Mr. Mulvaney** is saying that the witnesses are seeing the process whereby the proponent is bringing forward these proposals with expert witnesses, while the ministry is bringing in witnesses who are all cross-examined and are presenting another point of view. The panel of the Environmental Assessment Board gives the ultimate of guarantees because they are citizens interested in their community of Ontario. They have no vested interests. I do not think there is any doubt about that. The members of the Environmental Assessment Board are there as the ultimate representatives of the people. If you cannot hope that the ministry would do that, or if you cannot hope that the bureaucratic process will do that, surely you can hope that a citizens' panel would serve the citizens.

I think I just heard Mr. Mulvaney say that the balanced approach was being taken in our first hearing.

**Mr. Mulvaney:** I think the role of the private groups is important too. They are there and they are doing a very good job.

**Ms. Bryden:** How many more witnesses are you going to call?

**Mr. Mulvaney:** I think we have three or four more. We are not going to be able to finish this month.

**Ms. Bryden:** Are they going to take a different position on landfill?

**Mr. Mulvaney:** No, they tend not to be overly enthusiastic about landfilling. But our position as counsel for the ministry is that we are attempting to be neutral. We think that

with the witnesses from the proponent and those from our side, the board will have a balanced view at the end of the hearing.

We have also offered to call witnesses, whom the proponent may provide to us, to indicate we are not insisting on calling just witnesses who seem to see difficulties with landfilling. So far we have not been provided with the names of any. It may well be that the proponent has good counsel—he certainly has—and feels capable of presenting his own case and does not want us interfering with it.

**Ms. Bryden:** Have you informed all of the citizens' groups that they are entitled to ask for expert witnesses?

**Mr. Mulvaney:** I cannot say I have done that. I do not think I would have too much hesitation in suggesting to them that, if they do have an expert in mind on ground that we have not covered, we might well bring such a person before the board. I think we have covered it pretty thoroughly, and I would be surprised if they could think of anyone.

**Ms. Bryden:** But if they do not know that they have the right to ask they may not ask.

**Mr. Mulvaney:** It may well be. They are very independent and very forceful participants. They know what they are doing.

**Hon. Mr. Parrott:** Do you expect that the board might ask for witnesses?

**Mr. Mulvaney:** That could happen too. The board certainly has that power and may well feel that there is something missing on both sides of the case or on all sides of the case. At the end of the hearing, the board may say, "We are a little troubled by the weakness of the evidence in marine engineering or fisheries bylaws," or whatever it might be. The board might say, "We would like to hear someone else in that area."

**Hon. Mr. Parrott:** I think the key is that the board then makes the decision.

**Ms. Gigantes:** Everything is going to be all right, Mr. Gaunt. Don't worry about it.

**Mr. Gaunt:** Why do I have this uneasy feeling? I recognize that you are feeling your way and it is a new process. I have two other items which I want to get out of the way and then I will pass.

Can I have your assurance you will keep an open mind on this question and see how the process works as it is presently constituted. If there seems to be an imbalance, which I think there is, and if you are satisfied that that imbalance is not lending itself to the best hearing process, will you reconsider?

**Hon. Mr. Parrott:** In a real, honest exchange, I would be quite prepared to accept

that proposal, provided that those in opposition, perhaps here in this Legislature, would allow the process to have an opportunity to work, rather than take the strident position, "It does not matter what the hearing says, we are against it."

Right at the moment, that is happening far too frequently. Before any evidence goes forward, unconditional opposition is there. Though nobody knows what the guarantees are or what the process will do, they are just against it. That is making it very difficult for us to keep an open mind. I am dealing with many cases wherein there is no open mind on the other side. I think that I can assure you I will be as open-minded as anyone else is, or has been, on this process. I really think we will keep an open mind, more so than many.

**Mr. Gaunt:** Do you have anyone particular in mind?

**Hon. Mr. Parrott:** Yes.

**Mr. Gaunt:** I have to get on that.

**Mr. McGuigan:** Could I respond to that? I was with our leader this morning.

**Hon. Mr. Parrott:** I hear he had some very nice things to say.

**Mr. McGuigan:** I did not hear our leader say that we mistrust the board or the people on it or the system. I did not hear him say that.

**Hon. Mr. Parrott:** What did you hear him say he mistrusted?

**Mr. McGuigan:** He said a good many things about things that have happened in the past.

**Hon. Mr. Parrott:** In people?

**Mr. McGuigan:** No, not in people but in processes.

**Hon. Mr. Parrott:** You heard quite differently. You were there?

**Mr. McGuigan:** Yes, I was.

**Hon. Mr. Parrott:** That is rather interesting.

**Mr. G. I. Miller:** There was a firsthand report about processes.

**Hon. Mr. Parrott:** I have also had another firsthand report, so I find that rather interesting. There was no suggestion of mistrusting them.

**Mr. McGuigan:** You can take what you want out of it.

**Hon. Mr. Parrott:** It was well reported, Mr. McGuigan. You know that.

**Mr. McGuigan:** There is no question about that as far as the board and the people on it are concerned.

**Hon. Mr. Parrott:** What you are saying is that you do trust the board to come up with a decision on the Harwich situation that will reflect the appropriateness of that methodology of treating our industrial wastes.

**Mr. McGuigan:** In the same way I would trust a judge, were I up in front of a judge. But then I put this to you last fall, if you remember.

**Hon. Mr. Parrott:** I am having trouble because I think you said, "I hope to God it is not here." I think that is your comment.

**Mr. McGuigan:** That is a natural enough hope.

**Hon. Mr. Parrott:** But if the board makes a decision for it to be there, could you live with it?

**Mr. McGuigan:** I would have no choice.

**Hon. Mr. Parrott:** You could object.

**Mr. McGuigan:** I said it at the meeting you were at, that I would not take part in any illegal activities that involved the law. You heard me say that.

**Hon. Mr. Parrott:** I agree.

**Ms. Gigantes:** Not only throw away the environment, but free speech too.

**Mr. McGuigan:** I would have to abide by the law, but I would still hope that it would not be in my backyard, as you would hope it would not be in your backyard.

**Ms. Gigantes:** Sign here.

**Mr. O'Neil:** You ought to know about that.

**Ms. Gigantes:** Mr. Gaunt knows about that.

**Mr. McGuigan:** If I appeared before a judge, I would want to have the service of the best legal counsel.

**Hon. Mr. Parrott:** If you trust the board, would you not want to oppose the bylaw?

**Mr. McGuigan:** You have to look at it a little bit through the eyes of the people who see their farms disappearing, farms they have had in their families for years and years.

**Hon. Mr. Parrott:** How?

**Mr. McGuigan:** From the encroachment of a plant that will in all likelihood increase in acreage. Even if it does not increase in acreage, they certainly see a downgrading.

9:20 p.m.

**Hon. Mr. Parrott:** Over what present conditions?

**Mr. McGuigan:** Well, they see it that way.

**Hon. Mr. Parrott:** They see that a solidification process is worse than open landfilling of waste?

**Mr. McGuigan:** I think they do; they see

it that way. They cannot see that at the end of five years it is going to cease suddenly.

**Ms. Bryden:** This is more than a supplementary, it seems to me. We are getting into a major discussion of the Harwich proposal.

**Mr. Chairman:** Continue, Mr. Gaunt.

**Mr. Gaunt:** I had two other matters.

The first one has to do with the recommendation of the regional council of Halton to amend and tighten the Environmental Protection Act and the Ontario Water Resources Act because of a situation in which a Campbellville man was caught dumping acetone into a stream near a conservation area.

The regional municipality recommended that those two acts be amended as follows: first, to provide that any officer designated by the minister may seize any and all articles used in the contravention of either of the said acts; and, also, that the regional clerk be authorized to notify the Ministry of the Environment in each and every case in which a contravention is brought to the attention of the regional municipality of Halton—really it could be of any municipality.

**Hon. Mr. Parrott:** Mr. Gaunt, before you go on, that is another vote and I do not think we are ready to answer that one tonight.

**Mr. Gaunt:** Okay. I was raising it as a policy matter. Do you think that is a fair position? Do you think that the act does need to be amended in order to deal with these kinds of things wherein someone is caught at the municipal level? According to the municipality of Halton, there does not seem to be an adequate mechanism in place to allow them to do the things that they think should be done in the event of a contravention of that type.

**Hon. Mr. Parrott:** I may have to have Mr. Mulvaney's help on this.

**Mr. Gaunt:** I just wondered from the policy point of view whether you were considering any changes, as suggested by Halton, whether there have been other incidents, and whether any sort of review dealing with that particular aspect was under way.

**Hon. Mr. Parrott:** What was he caught doing?

**Mr. Gaunt:** He was caught dumping acetone into a stream.

**Hon. Mr. Parrott:** And the municipality caught him?

**Mr. Gaunt:** The municipality caught him. They apparently felt they did not have the



power to seize any equipment or vehicle he had used in this dissemination and that they did not really have the proper authority under the act to deal with the situation, other than to notify the ministry so that it would come out to do the investigation. By that time, the offender has cleared out with all his equipment.

**Hon. Mr. Parrott:** That is something I really would have to ask my director of legal services about. Mr. Mulvaney, could you help us with that?

**Mr. Gaunt:** This is a tense situation. The municipality had what they thought was evidence enough to charge him as there was a violation of the act.

**Mr. Scott:** You wanted to find out about seizing the equipment.

**Mr. Gaunt:** Seizing the equipment is the first thing. Then they wanted the authority for the regional solicitor to take all necessary steps to prosecute. That gets into another aspect as well, and I am not sure that the ministry would be too inclined to go that route. But that is what they are recommending.

**Mr. Mulvaney:** I am afraid I do not know the particulars of that case, not knowing the name of the person. We may well have a file on it.

**Hon. Mr. Parrott:** I don't think we are as much interested in the case as we are in the principles.

**Mr. Mulvaney:** I can address the principles. First of all, as to the right of a regional solicitor to lay charges under our legislation, he has that right, as does anyone in Ontario who has reasonable and probable grounds to believe that an offence under our legislation has occurred; he could lay a charge. I cannot see that he has a problem with respect to his right to prosecute. Seizure is a power that our provincial officers do not have.

**Hon. Mr. Parrott:** They would have the same opportunity to charge or to seize as we would.

**Mr. Mulvaney:** We do not have the power to seize.

**Hon. Mr. Parrott:** No, but if it were necessary to seize, then that authority could be granted under another jurisdiction.

**Mr. Mulvaney:** It would require new legislation.

**Hon. Mr. Parrott:** New legislation?

**Mr. Mulvaney:** Yes, we do not have it as game officers do under the Ministry of Natural Resources legislation. Our provincial officers do not have the power to seize in

the same way. We can gather things which are evidence. We can take records and documents which we see to be evidence, but we could not, for example, seize a car that was used in a pollution incident or something of that kind.

**Hon. Mr. Parrott:** Could we take a photograph? Would that be as good a form of evidence in court? I think that is a very valid point.

**Mr. Mulvaney:** Yes. If it is related to the evidence-gathering process, the powers of our provincial officers are quite extensive.

**Mr. Scott:** Do you mean you could seize it until such time as you are able to take a photograph of it? Or that you could hold it until such time as you are able to take a picture of it?

**Mr. Mulvaney:** I am not sure. We could seize most types of documents and evidence to make copies and so on. We do not have the same kind of power as a game officer who could seize a rifle that was used in an illegal act.

**Hon. Mr. Parrott:** We have answered half of the question. The municipality does have the right to prosecute. It is likely that we would be very co-operative in taking over the case, if the evidence were supplied. We do not have the power to seize, and maybe we should take a look at that as a legitimate power. I learned this tonight.

**Mr. Mulvaney:** I think that usually we would be very happy if they would lay a charge.

**Hon. Mr. Parrott:** Yes, there is no doubt about that. I think we should also look at an amendment which would give us the power to seize. That is fairly important. I think it deals with Bill 24.

**Mr. Mulvaney:** That is right.

**Hon. Mr. Parrott:** It is a very serious and legitimate suggestion.

**Mr. Gaunt:** The other matter I have under this item relates to the 1.5 litre exploding bottles and the problems that pertain to that situation. There was some difficulty between the federal and the provincial governments with respect to that matter, but it was sorted out. The ban on that particular refillable container expired on October 1. The deputy made a speech before the Ontario soft drink industry shortly thereafter, in which he made the point that Ontario was going to have to compromise on the short term with respect to its voluntary agreement to put 75 per cent of Ontario's soft drink production into refillable bottles by the end of 1979.

There were two other points in which they were going to have to compromise. One was the matter having to do with equal shelf space for refillable and non-refillable containers. The other was in reference to allowing the use of one litre refillable bottles. Are we back on target? In other words, are we going to have, or do we have at present, 75 per cent of the Ontario soft drink production in refillable containers?

**Hon. Mr. Parrott:** I do not have the exact figure. We have certainly come back a long way from where we were. We dipped badly.

**Mr. Scott:** Not badly.

**Hon. Mr. Parrott:** The deputy says I have perhaps overstated it in saying "We dipped badly," but we certainly dipped.

**Mr. Gaunt:** To what extent?

**Mr. Scott:** We can provide the figures for you a little later, but it was not a terribly significant dip. I do not think we dipped down much more than 10 per cent or 15 per cent on the average. I think western Ontario was about the worst, but we were almost at the target at that time.

**Ms. Gigantes:** Do you have a report that would come up under the appropriate vote?

**Ms. Bryden:** Is this not vote 2104?

**Mr. Gaunt:** Yes, it is, but I was dealing with a policy matter with respect to this. I could raise it now or I could raise it in vote 2104. I am through now.

**Ms. Gigantes:** If you ask for the information now, we will surely have what you need by then.

**Mr. Gaunt:** That is right. If I could get the information when you have it available or when we come to the appropriate vote, I would appreciate it. I am finished now, Mr. Chairman.

9:30 p.m.

**Hon. Mr. Parrott:** This picture was taken during the time when it was banned. I assume that is why your leader was using a non-returnable container.

**Mr. Gaunt:** Do you keep those things on file? Do you have a special file for that kind of thing?

**Hon. Mr. Parrott:** I suspect you may have one. Yes. I think it is a very interesting photograph.

**Mr. Gaunt:** I have not seen that. Would you send it over to me?

**Hon. Mr. Parrott:** I certainly would. It is your leader, I believe, in a very relaxed position with his Coke can—no, it is a Schweppes non-returnable container.

**Mr. Gaunt:** That was in 1975 at our leadership convention.

**Hon. Mr. Parrott:** No, it was not.

**Ms. Bryden:** Mr. Chairman, I am very disturbed by the minister's comment that he would give no funding to a citizens' group that is just dead against a waste disposal site in its community. He does not think this is an adversary thing. All he is prepared to fund is the citizens' group that wants to know whether the waste disposal site will deal with cadmium or zinc, how the waste will be treated when it is there, and so on. It seems to me it is quite legitimate for the citizens in a community to be given the opportunity to tell the board why it thinks its community is not suitable for the particular kind of facility your proponent and you are proposing.

Not to give them funds means that they do not have the full opportunity to present their case and to present research showing, in the case of Ajax for example, that it is definitely on a flood plain; or to show, in the case of Harwich, that it appears to meet very few of the criteria that were in the MacLaren report as the criteria for locating waste disposal facilities. While I know the minister has not accepted those criteria, I think it is time he did have some criteria so that people would know what sort of sites he considers suitable.

Instead, he is rushing to try to get one or two waste disposal facilities established somewhere in the province in order to try to show that something is happening; but he is not prepared to give the people in those communities an opportunity to say, "This community is not suited to what you are proposing. We think you should look somewhere else because these criteria are not being met."

**Hon. Mr. Parrott:** But, Ms. Bryden, the key to the Environmental Assessment Act is that the alternatives must be considered.

**Ms. Bryden:** Okay, but you say you will not fund anybody who is just opposed to it. The alternatives are what those people want to put forward.

**Hon. Mr. Parrott:** No.

**Ms. Bryden:** They cannot put them forward without research.

**Hon. Mr. Parrott:** They are being put forward by the proponent.

**Ms. Bryden:** By the proponent? The proponent has an interest in getting the facility right there. He is not going to put forward the alternatives.

**Hon. Mr. Parrott:** That is part of the process.

**Ms. Gigantes:** He may leave out some alternatives.

**Hon. Mr. Parrott:** Yes, that is possible.

**Ms. Bryden:** I do not think the citizens are going to trust the proponent's submission of alternatives when they know that he is the proponent wanting that facility.

**Hon. Mr. Parrott:** Okay, but you forget that is the responsibility of the board, and I keep repeating that. Somehow or other that is being lost. It is just unbelievable. Because it is a new process, I guess it is understandable, but the board is the citizens' board; it is there to protect the citizens. I thought that was pretty progressive legislation when it was applied.

**Ms. Bryden:** I submit that the board is a quasi-judicial body which is deciding between the proponents and the opponents. Sure, their job is also to bring out information; they can call expert witnesses on their own. But I do not think you will ever convince the public there was a fair hearing if they do not have the opportunity and the funding to present their own independent research, analysis and alternative proposals.

**Hon. Mr. Parrott:** Alternative proposals?

**Ms. Bryden:** Yes. Sites, for example.

**Hon. Mr. Parrott:** I guess what you are saying to me—was it last year or the year before that we started these estimates? Without any question, I remember Mr. Gaunt and myself having a bit of a discussion then on whether the liquid industrial waste situation was a crisis. You were unconditionally persuaded that it was a crisis, Mr. Gaunt.

**Mr. Gaunt:** Yes.

**Hon. Mr. Parrott:** Now I am hearing that we are rushing at it too much. I guess I am a bit naive, but I thought that if you had a crisis you rushed at the solution; I thought you turned every possible stone to find a solution. Are you now asking me that we stop everything, that we continue to land-fill our liquid wastes, and that we go right back and take a very long, hard look at this whole thing before we find any solutions at all?

**Ms. Bryden:** No, certainly not, Mr. Minister. What I am saying is that you do not rush into community A and say, "We will have a liquid industrial waste site here regardless of whether you want it or not, and we will not listen to your views. We will not give you the opportunity—"

**Hon. Mr. Parrott:** Where have we done that?

**Ms. Bryden:** In Ajax.

**Hon. Mr. Parrott:** No.

**Ms. Bryden:** You have not given them one cent. You said, "If I gave them \$10,000, would that satisfy them?" It would certainly be better than nothing.

In Harwich, at the moment, they have no assistance for presenting their case, and they know that the proponent has assistance. I certainly have not asked that they be given \$100,000, but I think they should be given adequate funds so that their case will be presented to the board in an adequate way, with adequate research.

Why do we have legal aid? It is so that people are equal before the law. Surely the same thing applies to environmental hearings. People must have an equal opportunity to get their viewpoints before the board, Mr. Minister.

There are dozens of precedents for this kind of public funding on the North American continent. In the United States, you will find all sorts of public funding for environmental hearings written right into the statutes. We had the Porter commission do it and even the Ontario Energy Board is providing some funding now for groups in regulatory hearings. I think you are just saying it is impossible to fund the public without looking at all the precedents. They have worked out the questions of allocation and auditing, and the questions of getting groups to coalesce so that it is not as expensive as giving money to each individual. It can be done; it has been done, and there has been quite a bit of literature written reviewing how it worked. Thus there is lots of opportunity to work out a system that will not say, sort of, "The sky is the limit." It will be under control, in the same way that legal aid has rules that keep the costs under control.

I remind the minister that the Environmental Assessment Board had a study done about three or four years ago on the possibility of public funding and this report was published by the ministry. That report had a great deal of material dealing with how you could handle the funding, and with the sort of rules that might be put into effect. They polled the board, and I think a preponderance of the members thought it might be a good idea to try it.

Do you recall that study, Mr. Minister?

**Hon. Mr. Parrott:** No, I cannot say I do.

**Ms. Bryden:** It is published by your ministry under the name of the Environmental Assessment Board. They commissioned the study.



**Hon. Mr. Parrott:** I am sure Mr. Caplice will know of it. That was during your time as director, Mr. Caplice?

**Mr. Caplice:** Yes.

**Hon. Mr. Parrott:** I do not know how much more we can say on this business of funding. We are not seeing eye to eye, obviously. One more thing: it is not just my ministry that looks at this proposal; there is a very wide review by a half dozen or more ministries. Is it 21, all told? That many? But we look at it. Would you not think the people of the Ministry of Culture and Recreation, for instance, are pretty interested in maintaining the heritage of this province?

**Ms. Bryden:** I do not know. I have found the Ministry of Natural Resources is not as interested in the environment as it is in gravel pits.

**Hon. Mr. Parrott:** Is there any ministry at all—would you think the Ministry of Agriculture and Food—

**Ms. Gigantes:** I think if you want this legislation to work you will be saving yourself a lot of time, trouble and travelling money if you go ahead now with the serious consideration of funding proposals. Otherwise you are going to be constantly before the courts.

**Hon. Mr. Parrott:** Not necessarily. I do not think the Ontario Municipal Board is before the courts all the time.

**Ms. Gigantes:** I think it is predictable.

**Hon. Mr. Parrott:** I guess we will disagree on that. Is the OMB in front of the courts all the time?

9:40 p.m.

It is an old process. It is well known that people have a lot of confidence in the OMB, and I think they will have a lot of confidence in the Environmental Assessment Board for exactly the same reasons.

**Ms. Gigantes:** The OMB, on many matters which are quite similar to the kinds of matters which will be decided under the Environmental Assessment Board, has been before the courts. You know the time and money involved when citizens are not satisfied with the process.

**Hon. Mr. Parrott:** In that case, they will be before the courts—

**Ms. Gigantes:** Unless citizens get the assurance that the initial phase will consider matters which they believe to be vitally important to the circumstances of their lives, they are simply not going to stop at that level—that is, at the level of dealing with a hearing in which they feel they are not getting adequate representation of their views.

I think you are going to end up with citizens getting angry enough—

**Hon. Mr. Parrott:** Then you would suggest that the OMB opponent set hearings and that the OMB would also be funded, I would take it. Do you feel the same way about OMB hearings?

**Ms. Gigantes:** I think that most of the matters dealt with by the OMB are of a quite different nature. They do not affect the lives of the whole community in the same way as do matters confronting people in Ajax and in Harwich right now.

**Hon. Mr. Parrott:** In cases like these of the landfill sites you have to have two hearings, one involving the OMB, usually, and one involving the Environmental Protection Act. That has been our past history. I hope we can change that to one hearing; but certainly in the past, in the OMB hearing, almost the same kind of evidence was heard. I would think you would say those who oppose rezoning for a landfill site should also be funded, would you not?

**Ms. Gigantes:** In fact, there is some precedent for funding people who appear before the OMB. It has been undertaken by the municipalities in some cases. I think, in all seriousness, in order for this legislation to work and to bear out all that you hope for from it, it would be a wise investment of your time and some of the public money at this stage, as we begin establishing the processes that are included in the environmental assessment hearings under the act.

**Mr. Chairman:** Are you finished, Ms. Bryden?

**Ms. Bryden:** No, Mr. Chairman, I have a couple of other items. Perhaps we could pass on from the question of funding groups. I think we have given it quite a discussion tonight. I would like to talk about the policy on Experience '80, because I notice this year there is a 35 per cent drop in the amount of money allocated in the estimates: that is, from \$576,000 down to \$373,000. Last year, part of your Experience program involved the use of students to go around checking out for abandoned dumps and landfill sites and trying to find out what had gone into them, so that we could discover whether we had any Love Canals in Ontario. After that was completed, I thought it had been reported to us in the estimates last November that there would possibly be further testing of the contents of some of those sites in which it appeared that there might have been toxic substances deposited in the past. I would have thought there would be an increase in Ex-

perience '80 money if the students were going to do that. If not, I would like to know the reasons for the big reduction. Would the minister not be concerned with trying to keep student employment up this summer, in the light of the inflation which a lot of students are facing in their university fees and costs? I am sure there will be more students wanting summer jobs this year than there were last year.

**Hon. Mr. Parrott:** I think the executive director of MOE's finance and administration division, Mr. Higham, wants to make some comments on that for us.

**Mr. Higham:** Perhaps first of all, Ms. Bryden, I should say that the project last year involving the searching out of abandoned dump sites was not, in fact, carried out under the Experience program. It was carried out by the waste management branch, so it was never in this particular vote at all.

**Ms. Bryden:** So any follow-up would be in the waste management vote this year as well?

**Mr. Higham:** That is right, in program four.

**Ms. Bryden:** We will look at that when we get to program four, then.

**Mr. Higham:** The second part of your question dealt with the funding of the Experience '80 program. We are allocated funds by the youth secretariat, as all the ministries are. We have no direct control ourselves on the amount of funding allocated to us. The reduction in funding that you see here, from \$576,000 to \$373,000, is not a ministry decision intended consciously to reduce the funding in that program.

**Ms. Bryden:** Do you think it reflects the overall reduction in Experience '80? Did you get about the same cut as everybody else?

**Mr. Higham:** Exactly the same cut as everyone else.

**Ms. Bryden:** I think that is pretty shocking. I would have hoped the minister might have had more influence in cabinet. I think all of his projects last year were very useful ones. He has obviously had to cut out one third of them this year.

**Mr. Higham:** If you wish, I might even give you a little detail on where we stand on the Experience '80 program.

**Ms. Bryden:** I am more interested in knowing where the cuts are.

**Mr. Higham:** The cuts are not specific. It is the total amount of dollar funding allocated to us. The level of submissions that we have

received from various groups around the province obviously cannot be met. We are clearly funding a little less than one half of the requests we have had.

**Ms. Bryden:** Could you supply us with a list of the projects that are being funded this year, perhaps at the next meeting?

**Mr. Higham:** Yes.

**Ms. Bryden:** I would like to ask the minister if he opposed this reduction, and does he not think it is important to try to increase student employment grants?

**Hon. Mr. Parrott:** I think it was not a reduction. I think it was just redirected under the youth incentive program. You are talking about influencing cabinet. I think if you look at the percentage of increase to the Ministry of the Environment, you will see that we did reasonably well.

**Ms. Bryden:** You say a reduction. Do you mean that the money is going to subsidize employers?

**Hon. Mr. Parrott:** No, the amount cut, as I understand it, was from this Experience '80 program, and was redirected to the Ontario Youth Employment Program, which subsidizes wages of students hired in the private sector.

**Ms. Bryden:** That is a different program.

**Hon. Mr. Parrott:** Yes. We just redirected it; we put it under a different ministry or responsibility, but we did not cut.

**Ms. Bryden:** But it means the environment gets less attention through the services of students.

**Hon. Mr. Parrott:** That is not necessarily so. For environment-directed programs that is true, but people have a very broad understanding of what the environment is, and rightly so. It would not necessarily follow that we do more poorly. The Ministry of Transportation and Communications does a great deal of environmental work.

**Ms. Bryden:** But the private employers are not doing a great deal of environmental work.

**Hon. Mr. Parrott:** I think Mr. McNeil and Mr. Riddell would tell us that some of the young people hired to work on the farm are doing something which I think is just as valuable to our society. So is cleaning a stream. Both are very valuable and helpful. I do not know how you could distinguish between cleaning up a farmer's woodlot and cleaning up a conservation woodlot. It is the same thing. However, let us tell you some of the things that we are doing this year.

**Mr. Higham:** I will select a few at random. The geography department at Brock Univer-

sity, for example, is doing a study of environmentally sensitive areas in Welland county which will employ 10 students at a cost of some \$15,000 during the course of the summer.

We have Ryerson Polytechnical Institute carrying out a study on land-use planning in the Rouge watershed, employing some seven students. We have the University of Guelph employing five students to do an assessment of landscape maintenance and land use in selected areas of Halton region. We have the University of Toronto, Department of Botany employing four students to carry out a study of the various effects of low level chronic irradiation. We have the University of Waterloo, Department of Geography, employing six students, involved in a biophysical analysis of the effects of the Centre Creek industrial discharge at Nanticoke.

9:50 p.m.

We have Pollution Probe employing eight students to provide assistance for research and a public information program. We have the Federation of Ontario Naturalists employing three students, doing field testing to revise the proposed wetlands evaluation manual. We have the Public Interest Advocacy Centre employing three students on a project to recommend regulations and rules of procedure for the Environmental Assessment Board. In the northwestern region we have the Pic 50 Heron Bay Indian band, with three students, working on a project to create awareness within a community of pollution and poison control.

Those are just a few examples. All told, we have about 245 students who will be employed during the course of the program this summer.

**Ms. Bryden:** I think there are a number of very worthy projects. In fact, all of them are very worthwhile. It is just that we are concerned that you have cut back. The ones who are drawing up the rules and regulations for the Environmental Assessment Board could perhaps consider the possibilities of public funding rules as part of their job.

**Hon. Mr. Parrott:** Submit your concepts and we will look at them even if we do not have—

**Ms. Bryden:** I will be glad to. I did have a private member's public bill on this a couple of years ago. I will bring that in again with more specific guidelines.

**Hon. Mr. Parrott:** Good.

**Ms. Bryden:** I notice when looking at the different items under vote 2101 that several of them have very sharp percentage increases,

and most of them seem to be in the field of services. I am wondering if there was a change in policy to use more contract employees, instead of employees whose wages would come under the salary and wages and employee benefits vote.

For instance, the personnel department is up 55 per cent, including a 214 per cent increase in services. The analysis and planning branch is up 42 per cent, including a 207.7 per cent increase in services. Audit services are up 45 per cent, including a 100 per cent increase in services. Mind you, the figures are quite small, but the percentage is big. However, in the other ones the figures are larger: analysis and planning jumps from \$13,000 to \$40,000 and personnel jumps from \$28,000 to \$88,000. Could you explain what is going on in this particular administrative field?

**Mr. Higham:** Perhaps we can take those one at a time. I think you mentioned personnel services as the first item. We have added to the personnel services branch this year the training program that the ministry operates for ministry staff and sewage and water plant operators from other municipalities within the province. In fact, we have such a good program that we even have other provinces sending some of their own sewage and water plant operators to our courses.

We have added that in there, and the safety program is also added to the personnel branch this year. Previously it had been shown under the pollution control branch. We are talking here about a reallocation of resource staff from one part of the ministry to another. What was the next one?

**Ms. Bryden:** The next one was the analysis and planning branch: a 42 per cent increase, with 207 per cent in services.

**Mr. Castel:** Here again there has been a transfer of staff internally from one area of the ministry to another. We transferred two economists from the environmental approvals branch to the program planning branch. It is not new money; it is an internal reallocation.

**Ms. Bryden:** Mr. Minister, why do you get out this book called Background 1980-81 Estimates? It is a background document required under the rules, but it does not tell us any of these things about shifts within the branches that would explain a 55 per cent increase in personnel. Should the explanatory material on this not cover that sort of shift?

**Hon. Mr. Parrott:** Yes, but I think you are asking for a book of colossal size, and I think it is far better to ask these questions



when we have all the staff here. You will get answers on any of them. We are more than prepared to do it, but this is a dynamic situation and things change. Ask any of the staff any of your questions. That is why they are here.

**Ms. Bryden:** But in a case of big increases like that, it seems to me a simple four-line note would have explained it. As it turns out, when you do ask the staff you find that two programs were simply added in, as in the case of the personnel branch, and have been dealt with elsewhere.

**Hon. Mr. Parrott:** I guess there is no limit to how much you could put in the printed thing; but we are quite willing to give you the answer.

**Ms. Bryden:** Is the audit increase of 45 per cent due to the same reason?

**Mr. Higham:** I am sorry, I missed that.

**Ms. Bryden:** The audit services have gone up by 45 per cent.

**Mr. Higham:** That is right. This year there has been a change in the financing of our capital interest structure. Previously the Central Mortgage and Housing Corporation provided funding to our capital projects and, indeed, provided the auditing of municipalities which were receiving funding under that program. That financing operation was changed by the federal government a year ago, and we now have what is known as the community services contribution program. The federal government is now not carrying out audits of municipalities, and the provinces are having to do that on its behalf.

So what we have in here is the addition of two more auditors to visit municipalities to audit the books and see that the grants they are receiving from the federal and provincial governments on sewage and water projects are in line with the regulations under those two programs.

**Ms. Bryden:** This is another thing which I think could have been dealt with in the explanatory material: that is, there are new programs, new requirements that have to be covered and, therefore, a staff increase was required. Without spelling out exactly who was added and at what salary, just a general change in program might have been indicated.

I am sure the minister would be unhappy I did not ask my usual annual question about how he is getting along with increasing the percentage of women employed in his ministry. He has been one of the ministers with a fairly low percentage of women employees. We hope there is a good affirmative

action program going on there to encourage women to move into different kinds of jobs in the ministry and to move into upper management positions. Is your women's adviser with us tonight to be able to give us an update on what is happening?

**Hon. Mr. Parrott:** No. However, Mr. Burns is here. He is her immediate—I guess I should say supervisor. I want you to know, Ms. Bryden, there are days when they think I have too many females in my own personal office. I have only one male, and he has been harassed on occasions. The rest are all female.

**Ms. Bryden:** Yes, and I have found they are very competent.

**Hon. Mr. Parrott:** Thank you. That is why I have them. They are competent; I agree with you completely.

**Ms. Bryden:** It was the overall picture at which we were wanting to look, not just the minister's office.

**Hon. Mr. Parrott:** Yes. You are satisfied with the minister's office and I hope that—

**Ms. Bryden:** If you had that percentage throughout the ministry that would be very good.

**Hon. Mr. Parrott:** Counting at all levels, about six secretaries out of seven are female. Is that satisfactory?

**Ms. Bryden:** Very good for one office.

**Hon. Mr. Parrott:** Mr. Burns.

**Mr. Burns:** I am Bob Burns, director of the personnel services branch. Ms. Bryden, our figures have shown some improvement, again on a percentage basis. In the scientific and professional area, where we have been historically low, we increased by one per cent. 10 p.m.

In the general administration area, which would cover positions such as personnel officers, information officers, purchasing officers, that general area, we have improved by three per cent. In clerical services, that is, the general clerical support work, we are exactly the same in terms of last year. In job services, including secretaries, typists, those kinds of jobs, interestingly enough the percentage has dropped by one per cent. In the overall—the remaining clerical support figure—the number of women has again dropped by one per cent. The historical relationships in the lower categories have really improved, and we see it as a positive program all the way through.

**Ms. Bryden:** Do you have an affirmative action program going on?

**Mr. Burns:** We have a very dynamic pro-

gram. I think probably one of the best things that has been going on is a kind of outreach program in which we are using our own professional staff in the ministry to go out to high schools and to talk to the staff there. One of the staff of the environmental approvals branch, for example, went up to Havergal College and gave a presentation on her role in the ministry. The affirmative action program includes noon-hour sessions on family law, budgetary processes, how to prepare a better job application form and how to prepare yourself for interviews. These are going on on a regular basis.

The women's adviser within the last year has formed an internal advisory committee so that she gets, on a monthly basis, a report from representatives from each of the branches as to what is going on. They have indicated to her their proposals for the program, which she is now in the process of reviewing, and that will be the basis of her targets and goals for the next year. The number of women who are taking courses such as management development or upgrading types of courses, has gone up by about 17 or 18 per cent.

**Ms. Bryden:** But how does it compare with the number of men going on upgrading courses?

**Mr. Burns:** The number of men going on upgrading courses has dropped.

**Ms. Bryden:** But what is the ratio between the two?

**Mr. Burns:** I do not have the figure in front of me, but about 19 or 20 per cent of our staff is made up of women. The number of women attending courses is greater than the number of men attending, and I am talking here about management development types of courses. I am not talking in terms of the technical types of courses to which the branch heads will be sending their people, but of management development: those things that will allow a woman to progress up the management ranks are the things being targeted.

**Ms. Bryden:** I am glad to hear that some progress is being made.

**Hon. Mr. Parrott:** I think it is good. May I draw to your attention this booklet, *Women in the Environment*? Let me read just the titles: senior environmental planners, scientists, photographers, program analysts, environmental technician, clinical lab technician, manager of accounts payable, waste and water project operator and so on. I would like you to see that book. I really think what we have done on the status of women is excellent. I accept that there was a great oppor-

tunity in our ministry to do a good job on this and I think we really have.

Our French-language co-ordinator is a resident of Mr. Riddell's constituency, I guess, on occasions, and she is a young lady.

**Mr. Riddell:** Good Huron county blood.

**Hon. Mr. Parrott:** In many places we have used the opportunity to update our staff with women of great abilities and quality, and I really believe we can be justifiably proud of this.

My own personal secretary has been sent on courses every single year. She is now, I guess, on the last course required for the post of personnel officer. I am sorry my second secretary is not here, for she applied for another job and was, I think, pleased that she got as high and full a recommendation to advance herself as was possible. I think we really have a record to be proud of in this annual question that you ask, and it is getting better every year. I hope you ask this again next year.

**Ms. Bryden:** Thank you. There is still a long way to go before we get complete equality, as I am sure you recognize, and before we change all the attitudes.

**Hon. Mr. Parrott:** Not in my office.

**Ms. Bryden:** Thank you, Mr. Chairman. I will let somebody else speak.

**Mr. G. I. Miller:** Mr. Chairman, do you want to continue on this?

**Mr. Chairman:** On the first vote, yes.

**Mr. G. I. Miller:** On the number one vote?

**Mr. Gaunt:** Item one?

**Mr. Chairman:** No, vote 2101.

**Mr. Gaunt:** The whole vote?

**Mr. Chairman:** Yes.

**Mr. Gaunt:** We are taking it as a whole? I was just taking item one. I wondered why we were up and down that particular list.

**Mr. Chairman:** That is what I was following.

**Hon. Mr. Parrott:** I thought we were on the whole doggone estimates. We have been on 2103 as much as 2101.

**Ms. Bryden:** We are supposed to finish the whole vote tonight; in fact, we were supposed to have finished it half an hour ago.

**Mr. Gaunt:** That is right, and I have several matters with which I would like to deal before we leave it.

**Mr. Chairman:** Do you want to do them now?

**Mr. G. I. Miller:** I was going to ask the minister, in regard to the Nanticoke generating station and the stations around there, to indicate how the environment is being affected. I think we asked for a report on the monitoring of the area last year. Do you have an update on that?

**Hon. Mr. Parrott:** I really have to ask you on that one to come forward during the appropriate vote, which is 2102. You are referring to air resources, I would imagine.

**Mr. G. I. Miller:** Yes.

**Hon. Mr. Parrott:** Really we have tried to be fairly loose, but—

**Mr. G. I. Miller:** I know. Would that not come under analysis and planning? Okay, I would like to have that information, maybe because of the fact that it has been brought up recently. Could we have an up-to-date report going back to the beginning and comparing it?

**Hon. Mr. Parrott:** Sure, but we are just not ready. Tonight is not the night.

**Mr. G. I. Miller:** That is okay. I just wanted to put it on notice so that it would be available.

**Mr. Chairman:** Mr. Gaunt had more questions.

**Mr. Gaunt:** Yes, Mr. Chairman, I wanted to move to information services. I notice that there has been an increase of \$81,000. I wanted to talk particularly about the little magazine that the ministry puts out, *Environment Ontario Legacy*. How much does that cost per year, and to whom does it go?

**Hon. Mr. Parrott:** We get a tremendous number of requests for information, and I do not think we spend enough. I wish I had more to spend on information; I think it is vital. I could not answer your question on this. Who will answer that question for me?

**Mr. Higham:** Perhaps I may just deal with the first part of your question, which was regarding the increase in funding of \$81,000 which we had this year. About one third of that is due to salary adjustments, the normal cost of living increases. We provided an additional \$25,000 towards the Pitch In campaign, which I assume you have seen in the press.

**Mr. Gaunt:** I have heard of that one.

**Mr. Higham:** We also allocated an additional \$11,000 for advertising in the ethnic press. So far as our tabloid, *Legacy*, is concerned, we have a circulation of about 2,000, I think.

**Mr. Gaunt:** For *Legacy*?

**Mr. Higham:** For *Legacy*. It is going to

libraries, environmental faculties, schools and so on.

**Mr. Gaunt:** So those people to whom it goes, other than libraries, which are really information resource centres, are associated in some way or have an interest in environmental information and have written in and requested this information?

**Mr. Higham:** An interest in the environment, that is right. In some cases it is a write-in; in some cases we have established a liaison with environmental teachers, if you will, in both the high school and college systems, and we customarily send them copies as well. But as to anyone else who happens to write in and who has an interest, we are very happy to put them on the mailing list.

10:10 p.m.

**Mr. Gaunt:** I had a couple of concerns about the magazine, and am going to put them on the record. First of all, when a magazine of this type comes from a ministry in government, any ministry, I think it should be a piece which conveys accurate information, and should be reasonably objective. I take a look at this some times and I think it is the minister's constituency newsletter: "Parrott: Ontario determined to control acid rain," or "Parrott shows way out of waste disposal maze." Obviously it is proper and right to convey information, but I think it should be reasonably objective.

**Hon. Mr. Parrott:** The editor thinks it is.

**Mr. Gaunt:** I guess objectivity is all in the eye of the beholder, but from where I behold, it is not all that objective.

**Hon. Mr. Parrott:** Anything from your newsletters—

**Mr. Gaunt:** That is different.

**Hon. Mr. Parrott:** They do not seem to be objective. I am sorry. You are right.

**Mr. Gaunt:** This is *Environment Ontario*, and—

**Hon. Mr. Parrott:** Would you like a headline on the next one?

**Mr. Gaunt:** No. I do not want a headline. I would be embarrassed with a headline in this.

**Mr. G. I. Miller:** Mr. Gaunt has contributed much—

**Mr. Gaunt:** Not me. No, I do not want a headline. Just the odd story on the second page will suffice. That would be quite satisfactory.

The other thing that concerns me about the magazine is its accuracy.



**Hon. Mr. Parrott:** Seriously, are there any inaccuracies there that you would like to correct?

**Mr. Gaunt:** We talked last year about the stories on acid rain and about some of the articles in *Legacy* which conveyed information that could be misconstrued. Actually some of the information was implied, almost.

Now take this one, January-February, 1980. This is a quote from the lead article: "Parrott: 'Ontario determined to control acid rain'." Five paragraphs down is a direct quote: "We in Ontario 'have been committing substantial resources to the acid rain situation for more than 15 years,' Dr. Parrott said."

Heavenly days, your ministry has not been in existence for 15 years. Fifteen years ago you were standing beside the dentist's chair, either drilling or yanking teeth.

**Hon. Mr. Parrott:** No, you see that is how easy it is to be wrong in your information. Fifteen years ago I had the great pleasure of not doing any drilling or pulling. I was an orthodontist, Mr. Gaunt, and you should know that you do not drill and fill as an orthodontist. You may poke a bit, you may put extra oral pressures on, but you do not drill and fill. I mean that is how easy it is to have the information wrong.

**Mr. Gaunt:** All right, so you were not drilling and filling. But you did not know anything about acid rain 15 years ago.

**Hon. Mr. Parrott:** That made two of us.

**Mr. Gaunt:** That is right, and I admit that, I did not. As a matter of fact, I do not think we knew anything about acid rain until about three years ago. And I do not think we have been, even now, committing substantial resources to the matter of acid rain, let alone 15 years ago.

**Hon. Mr. Parrott:** How much do you think we do?

**Mr. Gaunt:** You've got your \$400,000.

**Hon. Mr. Parrott:** No, a little more than that.

**Mr. Gaunt:** How much more?

**Hon. Mr. Parrott:** As a government or as a ministry?

**Mr. Gaunt:** As a ministry. How much more?

**Hon. Mr. Parrott:** About \$3.4 million.

**Mr. Gaunt:** You say \$3.4 million?

**Hon. Mr. Parrott:** Yes. That is a lot more.

**Mr. Gaunt:** That is substantial. I would say that was substantial this year, but not 15 years ago.

**Hon. Mr. Parrott:** That compares pretty well with the US total of \$10 million.

**Mr. Gaunt:** All right. Not bad. That is all right for this year. What did you do last year, the year before, and 15 years ago?

**Hon. Mr. Parrott:** That \$3.4 million does not include many of the salaries. For instance, I doubt if it would include several of the people I see here. Dr. Van Volkenburgh, does it include your salary? Is it under that vote? He spends practically the whole 24 hours of the day worrying about acid rain. You saw him perform very capably the other day, and his salary is not included in that \$3.4 million. I have no idea how many dollars we spend on acid rain, and on dealing with the data base we are collecting, which is second to none. But the sum is huge. It is greater than that of any other jurisdiction I know.

**Mr. Gaunt:** But the point is you were not doing that 15 years ago, nor have you been doing it right up until, perhaps, last year and the current year. I do not know how that information gets in there. You did not say that, did you? Did you say that?

**Hon. Mr. Parrott:** I will make a deal with you. I will make several deals. Mr. Gaunt, does it say I said it?

**Mr. Gaunt:** Yes, it is a direct quote.

**Hon. Mr. Parrott:** We have had all kinds of interviews with the editors and assistant editors of the paper. Of course we have had all kinds of conversations. There is a lot of activity which goes on in that office on which the director of information sits in—or my assistant, who helps me in this area, or Mr. Frewin back there. We visit fairly frequently.

**Mr. Gaunt:** I am sure you do.

**Hon. Mr. Parrott:** My office is not one in which people do not feel free to come to talk about these items. For every speech, with which I am fortunate enough to have some help, I see the people on a routine basis twice. I frequently throw away notes—that is not fair. There is a lot of communication in our office, and there should be.

**Mr. Riddell:** What has that got to do with the duration of 15 years?

**Mr. Gaunt:** You would state that you were misquoted?

**Hon. Mr. Parrott:** No, I am not saying I was misquoted. I would say we, as a government, were spending money 15 years ago.

**Mr. Gaunt:** On acid rain?

**Hon. Mr. Parrott:** On water quality, air quality, and that is all background information.

**Mr. Gaunt:** But it does not say that. It says, "committing substantial resources to the acid rain situation for more than 15 years."

**Hon. Mr. Parrott:** If you had it labelled as acid rain, no; but if you were talking about a knowledge that we have been building up as the Ontario water resources—I get blamed day in and day out for things that happened in 1969 before there was any doggone ministry. Now, all of a sudden, you are very pure on whether it happened after the formation of the ministry.

**Mr. Gaunt:** I am not pure. I just want to be accurate.

**Hon. Mr. Parrott:** I always have to be held accountable for the actions of Ontario water resources—my goodness, on landfill sites we did not even licence. All those things are quick to be put at the doorstep of the ministry or the minister. If I have to carry the can for all that in the last 15 years, surely it is fair to accept that we had done all of this work as preparation, as background? Look at the work we have done on wells. If we needed to know what is happening with the water tables of Ontario and a new problem developed, that would all be background information that we would use. So I think it is legitimate to say that before our ministry, the various components—because I have to carry that can—are background work to acid rain.

**Mr. Riddell:** Mr. Parrott, you could sell a refrigerator to an Eskimo.

**Hon. Mr. Parrott:** Thank you, Mr. Riddell. I found it harder to sell magazines up north.

**Mr. Gaunt:** You did not really say that. You have explained what you really meant, but you did not say that in that context.

**Hon. Mr. Parrott:** You know me well enough to know that I would not say, "Yes, I did" or "No, I did not." I would not be able to recall the myriad times I have had an opportunity to discuss the problem of acid rain with my staff. You are asking me to give you a yes or a no to something that it is extremely unlikely that I would honestly recall, because there is so much dialogue.

**Mr. Gaunt:** Okay. Let me make this point. You have explained what you meant, and you have explained that one can go back and deal with Ontario water resources and that this is all background and all that sort of thing. It is to put that in the context in which it appears in the article, I would say—

**Hon. Mr. Parrott:** I think you miss the point.

**Mr. Gaunt:** —I think that would be construed as really misleading an unsuspecting

public. They do not know what you mean. That is a bald statement. It is in direct quotes. I think a piece like this should be objective; it should be accurate. I do not quarrel with the fact the ministry puts it out, that is fair enough. I do not quarrel with that at all. I think there should be a very deliberate and serious attempt to make sure that—

10:20 p.m.

**Hon. Mr. Parrott:** We have been doing SO<sub>2</sub> abatement for many years, probably in addition to 15 years. All that I was trying to convey, and I think all that is conveyed there, is that this is not just something that the ministry cottoned on to a year and a half ago. They have been at the problem of air emission abatement, which is really the essence of acid rain, for many years.

**Mr. Gaunt:** But on the North American continent, we did not really know about acid rain until three or four years ago. They knew about it in Scandinavia.

**Hon. Mr. Parrott:** They knew about it and were fighting emissions, many years ago.

**Mr. Gaunt:** Emissions, all right, that is different. SO<sub>2</sub> emissions, fair enough; but it does not say SO<sub>2</sub> emissions. It says acid rain. That is my only point. I am not going to haggle over it any longer. I think you get my point.

**Hon. Mr. Parrott:** Would you accept—to be quite serious about it, and I am sure you realize this—that I cannot possibly write all of the speeches that I am asked to deliver? Therefore I get a lot of help on those. Frequently, with no disrespect to the person who wrote it, I will use two thirds or one half of that speech. But it does not excuse me for every single word that is in it. It will likely say, "Check against delivery," but I cannot retract everything that was said in that printed speech, which is frequently distributed. I have to live with what is there, and I take that responsibility. I think it is the same kind of process that you are seeing.

I will not deny the responsibility of any of those words, I cannot, should not and will not. I think the same thing is true of the printed speech I might give next week. I may not deliver that word, but if it says in that speech that I said it and I hand it out then I am accountable for having said it. I think it is the same principle.

**Mr. Gaunt:** I think you get my point. I am going to leave it. In the analysis and planning there are two things. There is the computerized industrial water pollution monitoring system, which records data and sampling results submitted by industries and maintains a

record of waste loads and plant performance tested against the limits set by the ministry.

We had a discussion about this last year. There were some operational problems associated with this system. First of all, I think there were only about 80 companies reporting. There were some cutbacks on funds, on personnel, and the whole system really had not got off the ground.

Does the ministry now have the personnel and the resources to implement this program fully? Really, in essence, it is the first step in the annex 12 requirement. One must have this piece of machinery in place and this kind of information being fed in before one has any hope at all of meeting the requirements of annex 12.

**Hon. Mr. Parrott:** Again, Mr. Turner would be the legitimate one to try to respond to that.

**Mr. Gaunt:** I thought it was under planning and analysis. That is where we dealt with it last year. I read Hansard this afternoon. If you want to deal with it at that time, I will put it off.

**Hon. Mr. Parrott:** Mr. Turner is not here. It really is under the other vote.

**Mr. Gaunt:** I will leave it until that time. Do you want to leave the other matter, that of the waybill system, too? It can come under either one.

**Hon. Mr. Parrott:** Yes, I think it is better under waste management.

**Mr. Gaunt:** As to the control orders coming due this year, I have already asked for that information.

**Hon. Mr. Parrott:** All right.

**Mr. Gaunt:** The number of charges laid—

**Hon. Mr. Parrott:** You do not want that now?

**Mr. Gaunt:** I have already asked for that.

**Hon. Mr. Parrott:** There is quite a long list for that. Do you want a photocopy?

**Mr. Gaunt:** Can we table the information?

**Hon. Mr. Parrott:** Yes.

**Mr. Gaunt:** That is fine. The only other matter that I wanted to raise was that of the Experience '79 program. My friend, the member for Beaches-Woodbine (Ms. Bryden) dealt with the matters of cutbacks and what programs would be undertaken this year. The list of Experience '79 studies indicates that some interesting studies were done last year, specifically—and this is of parochial interest on my part—the south Bruce county environmentally sensitive area study. There were six students involved in

that one. What sort of information did you get out of that study?

**Mr. Higham:** The personnel services branch acted as the co-ordinator for the program. The various reports were assigned to different liaison officers who were established in various branches within the ministry. I do not know at this minute who was the assigned liaison officer for that particular study, but I think we could certainly arrange to have that individual in to talk about the results that were obtained from that project.

**Mr. Gaunt:** I would be very interested to see the results of that project. As I said, it is a parochial interest on my part with respect to Bruce county, but I would be interested in getting that particular report if it could be made available.

In terms of some of the other projects, I am sure they are all very valuable and very good. There were a few others here in which I had a specific interest. One was the acidic precipitation and long-term changes in alkalinity and pH level of municipal water supply in Ontario. There were two students working on that one, and I am surprised, first of all, at the manpower complement there. I would have thought it would have taken more than two students to do that kind of work across the province, or am I missing something there?

**Mr. Higham:** Not necessarily. It is likely that in the particular proposal we received from—and I do not have in front of me what you have—they likely requested only two students; and it is quite likely, again, that the study dealt with a small parameter perhaps, within the overall acidic precipitation problem.

**Mr. Gaunt:** Municipal water—that would imply municipal drinking water.

**Mr. Higham:** I do not know.

**Mr. Gaunt:** So then, if I am correct in my assumption, one might get into health aspects as well in relation to changes in pH level.

**Mr. Higham:** That would be a reasonable assumption, but again, without looking at the terms of reference of that project, I could not either confirm or deny that assumption.

**Mr. Gaunt:** Is it possible to get that one as well?

**Hon. Mr. Parrott:** It is quite possible and we will be glad to do it. It has bothered me a bit that we cannot give you that tonight. The process we use is to assign it to various parts of the ministry and, decentralized as we are, you might be asking



a question of Douglas McTavish in London, who could have been responsible for that, or next would be Mr. Caplice; you are going all over Ontario literally, not only all over the ministry but all over Ontario. So for any of those questions, if you would just give us a list of them we could easily give you that information. That is no problem, but it is almost an impossibility to give it to you instantly.

**Mr. Gaunt:** All right. The only other one that I would be interested in is the compilation of the landfill sites inventory in the Welland district. I would be interested to have a look at that one as well. So basically there are three in which I have a specific interest. Thank you very much, Mr. Chairman.

**Ms. Gigantes:** I, too, would like to ask for information that perhaps the minister would like to provide later. As I recollect, Mr. Minister, there has not been an answer—and you can correct me if I am wrong—to the question asked by my colleague the member for Riverdale (Mr. Renwick) concerning your evaluation and your intent to draw information and suggestions for a future action by your ministry from the legal case involving the dumping of raffinate by Eldorado Nuclear Limited.

10:30 p.m.

**Mr. Mulvaney:** The specific charge was on the basis of the judge's view that a federal crown corporation such as Eldorado Nuclear is beyond the scope of a provincial environmental law, and also that that particular federal crown corporation was working within a field of constitutional jurisdiction which was exclusively federal. We argued the contrary on both the issues and we are appealing the decisions. That is all we can do from our end.

It obviously has implications upon whatever constitutional negotiations are taking place over the manner in which provinces have it at their disposal to control federal crown corporations and facilities within exclusive federal jurisdiction. But from our end, we are appealing the decision. There is a heavy body of law supporting the view which the judge took. We think it is also arguable that the judge should entertain a charge of that kind.

**Ms. Gigantes:** Yes. I think there is an arguable position. Have you written a report on the case which would sum up the reasons why you felt it was worth appealing? Have you reviewed what happened?

**Mr. Scott:** Perhaps I can help explain why we got into this case in the first place. I believe there was some criticism of the fact that a number of months passed after the event before we laid the charges. During that period of time we had extensive consultations with the Ministry of the Attorney General to get advice and assistance on the constitutional question. Quite frankly, as I am sure you are aware, this is not the only area in which we have difficulties about knowing where our jurisdiction begins and ends as it relates to various corporations—where the lines are drawn. The mining of uranium is another. We have not always been totally satisfied with the views of some of our colleagues in the federal government as to enforcement of certain aspects.

Because of these differences, we finally decided, notwithstanding the fact that we knew we had a very edgy case in this one, we would proceed with it. The very worst that could happen is that we could then at least clarify the area. We intend to pursue it. We are not satisfied that we are getting the success we should in relation to these marginal corporations, or these corporations that claim that they are for some purposes ours and for some purposes the federal government's.

That is why we pursued the case in the first place, because we wanted to act on it. We felt that they needed to be bearded, if you like, on this particular issue. That is why we are continuing to pursue it. We feel we cannot lose, because if we eventually lose all the cases on this matter, then we have a clear position to put to the federal government; we can take away much from the dance of the many veils that we have to perform in trying to cut through a number of these constitutional questions.

**Ms. Gigantes:** I wonder if there is available through the ministry any analysis of the case at which we could have a look. I think you will find us very supportive of the process that you have initiated, and of your decision to continue the case. Our hope is that you will win the case.

**Mr. Mulvaney:** First of all, we have the judgement now. It has not been reported yet. We can check and make available a copy of that. Second, Linda McCaffrey did present a written argument supported by verbal argument as well. We can certainly get you a copy of her written argument.

**Ms. Gigantes:** Has there been an internal document or something on which the decision can be reviewed?

**Mr. Scott:** I am just trying to remember. I believe you may have sent me a brief memo before you had the formal reasons for judgement. I think I made the recommendation at that time that we should appeal just on the basis of constitutional issue. There is no reason why we would not be quite happy to show you the position we have taken and to explain why.

**Ms. Gigantes:** That is what I would like to get. Thank you.

**Mr. Gaunt:** While Mr. Mulvaney is there, Mr. Chairman, the judge quashed 22 charges against Denison; I noticed in the report the judge said that as far as he was concerned, Denison had proved they had taken reasonable care. So he threw it out. But in the course of the information, I also noted that the ministry had depended on the water sample evidence collected by the company. This did not seem to me to be a very appropriate way to proceed under those circumstances. Why was that done? Did you not have the staff to do your own?

**Mr. Mulvaney:** In the Elliot Lake area, it is a fact that a lot of the routine sampling is done by Denison and Rio Algom. Our staff are able to do spot sampling to satisfy themselves that the data we are getting is accurate. That is my understanding of it. In a number of cases in the past we have had to rely on data which was supplied by the company. The original prosecution against Inco, undertaken by Linda McCaffrey, was based on data supplied by the company, which was eventually convicted. It is not an insuperable obstacle. It is always nice to have your own data supporting it, but in this case we did not have it.

**Mr. Gaunt:** That tends to compromise the evidence, does it not?

**Mr. Scott:** I might add, if it would help in this area, that in fact we are moving more and more towards this type of process. Frankly, we believe it is part of the polluter pay principle. The enormous demands which we would face in trying to carry out as a complete program as is desirable with all the pulp and paper companies, mining companies and so on, make it really prohibitive for us to do it. But we believe that with a good system of spot checking, plus looking at the track record of other samples over a period of time, we can assure ourselves.

I stand to be corrected, but I am not aware that we have had any real trouble relying on this information, and, indeed, we have had convictions on the basis of the information which they have supplied us.

**Mr. Gaunt:** The company will not be too anxious to collect and tabulate information that is going on to incriminate itself.

**Mr. Scott:** I think that is reflected in the fact that a lot of them are not enthusiastic about it when we ask them to provide the sampling program for us. But as I say, we believe the system works quite well, and, in fact, they have a lot of professional scientists and others who, I think, would have some reservations about fixing the books. With that and a proper audit program run by ourselves, I think we can satisfy ourselves on the basis of the track record, the type of effluent, the time of year, et cetera. We can satisfy ourselves pretty well that no one is pulling the wool over our eyes.

**Mr. Gaunt:** Thank you, Mr. Chairman.

Vote 2001 agreed to.

**Mr. Chairman:** The committee will meet again at 8 o'clock next Tuesday evening.

The committee adjourned at 10:38 p.m.

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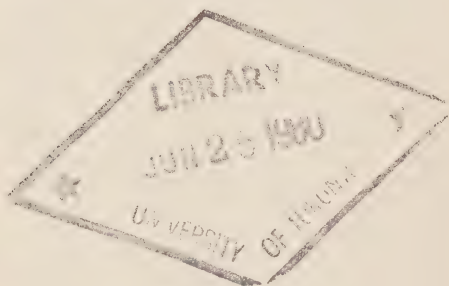
No. R-23

# Legislature of Ontario Debates

## Official Report (Hansard)

### Subcommittee of the Standing Committee on Resources Development

Annual Report, 1978, Workmen's Compensation Board



**Fourth Session, 31st Parliament**

Thursday, May 29, 1980

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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# LEGISLATURE OF ONTARIO

## SUBCOMMITTEE OF THE STANDING COMMITTEE ON RESOURCES DEVELOPMENT

THURSDAY, MAY 29, 1980

The subcommittee met at 8:13 p.m. in committee room No. 2.

### ANNUAL REPORT, 1978, WORKMEN'S COMPENSATION BOARD (continued)

**Mr. Chairman:** The committee will come to order. Mr. Van Horne is first.

**Mr. Van Horne:** Thank you very much, Mr. Chairman. I would like to go back to two points that I made in my opening comments. The first point was on the theme of rehabilitation, and the second one was on the theme of women in the work place. I understand from one of the staff who spoke to me just prior to our meeting this evening that the staff person who would be the most appropriate to deal with this theme will be with us when we meet again; that is, one week from Tuesday.

**Mr. Chairman:** I understand it will be on June 10, at 8 p.m.

**Mr. Van Horne:** Yes. I would gladly defer until that time. That leaves us with the theme of rehabilitation. I would like to direct these comments to the committee and to Mr. Pearce.

I would like Mr. Pearce, if he could, or the minister or the chairman, to give us some indication of the present criteria and indicate at the same time whether there has been any change from what used to be the criteria or whether there are any anticipated amendments to them.

What are the criteria for eligibility into the program, which is designed to remove employees from the hazards of diseases caused by asbestos and uranium? In so far as that program relates to the designation of removing employees from the hazards of diseases caused by asbestos and uranium, could you please review the present and past criteria, what is in them now that didn't used to be and what is anticipated for the future?

At the same time, I would like to give an indication of my understanding which leads me to ask this question. I indicated I had a

handful of specific cases that were of concern not just to me but also to our office, because some of these people are outside of my own particular jurisdiction; they have come in through the provincial Liberal office.

Having said that, it is my understanding that in order to be eligible for the program an employee must be at risk at the time he applies for the program. That is he must be working in an area with more than 0.5 fibres per cubic centimetre, as well as—I understand these are linked together—showing signs of having asbestosis. Those two factors would seem to be the main criteria. The area would have to have more than 0.5 fibres per cubic centimetre and the individual would have to be showing signs of having asbestosis.

That, to me, would mean that an employee could have a compensable industrial disease, could be receiving a pension and, in spite of those factors, still could not qualify for entry into a program. I don't know whether I understand that correctly but, given that asbestosis is a progressive disease, could it mean that a person might have been refused entry into the program, even though he was working in an area of high risk, because he wasn't diagnosed in the beginning as having sufficiently suffered from the ailment?

It is my further understanding that the program, which began in May 1976, could have had as many as 80 eligible people at the Johns-Manville plant. Of those 80 people interviewed between June 1976 and early 1978 who might have been eligible, only 18 men voluntarily entered the program. I would have to ask why such a small number of them, out of such a fairly large eligible number, have opted into this program. Is there something in the program—and this is a further question that makes it less attractive than whatever other option there might be? What keeps people out rather than bringing them in?

Finally, in that particular area, I would ask about the current status of that program. It is our understanding that Johns-Manville Canada Inc. has cleaned up its act a little to the point where the 0.5 or 0.05 fibres—and I



ask for your direction on that; I am not sure which it is, technically—has been cleaned up at that particular site. If that is the case, is the program in a state of limbo?

Let me ask those questions by way of background before I get into the handful of specific cases that I would like to bring to your attention.

**Mr. Wisocky:** The person most qualified to give a full explanation of the program and the intimate details as to what has happened is Bill Pearce, as you have identified, Mr. Van Horne. I would like Mr. Pearce to explain to the committee precisely what the terms of reference are and where and what has happened right up to date. I will be glad to supplement anything Mr. Pearce says.

8:20 p.m.

**Mr. Pearce:** Mr. Van Horne, I think it is specifically important to relate to you that the special assistance program was specifically designed and given approval by the corporate board to become effective on May 1, 1975, covering uranium miners at Elliot Lake. It was through the implementation of this program we chose to identify with and to relate to that specific program as a pilot one. We gained our experiences from the implementation of that program; following that, a special program was set up to cover the asbestos workers at the Johns-Manville plant at Port Union.

The program covering the asbestos workers became effective on May 13, 1976. At the request of the corporate board—

**Mr. Van Horne:** Excuse me. I have a problem with that. I am looking at a document from the Workmen's Compensation Board which indicates the program was revised in a document dated September 1976. You have just indicated the date was in May. Are we talking about the same thing?

**Mr. Pearce:** Yes, indeed. I can explain that quite readily. We got into a situation of retroactivity, and we chose the date of May 13, 1976, as being the effective date for entry into the asbestos program since that was the date that it was officially announced by the government of Ontario to be effective. Any reference to dates made mention of in our vocational rehabilitation division manual, as you have pointed out, namely, September 28, 1976—

**Mr. Van Horne:** May I interrupt again? I think we are looking at almost half a year in time. It may be the way the process works that there is simply that much of a lapse between when something comes through the staff and when it is approved

by the chairman's office, the minister's office or whoever is responsible. We are not suggesting, I hope, that there was any change in the program definition between the date that you suggested, May 13, and the one listed in document 44-21-01, which was September 28, 1976. Are we talking about the same program?

**Mr. Pearce:** It is one and the same thing Mr. Van Horne.

**Mr. Van Horne:** One and the same.

**Mr. Pearce:** As I have endeavoured to explain to you, we felt in all fairness to the asbestos workers, since an announcement had been made by the government of Ontario that such a program would be available effective May 13, 1976, that we should adhere to that date and not preclude anyone's potential entry to the program.

**Mr. Van Horne:** The reason I pursue that is that between that date in September 1976 and February 1977 it appears there was a further revision made which essentially eliminated the deduction of a pension award for the work adjustment rehabilitation allowance paid to the employee. If that is true, and that is mentioned in the same document then the time lapses of roughly five to six months become very significant. If something can happen between September and February to effectively revise the program so there is a deduction of pension award then I have to ask about the preceding five or six months.

**Mr. Wisocky:** If I may, Mr. Van Horne, the only thing that changed was the maintenance allowance associated with the program. Initially the board approved—

**Mr. Van Horne:** Between what time and what time, though?

**Mr. Wisocky:** In May 1976, the principles for the program were approved, and at that time the board stipulated they would pay maintenance allowances up to a maximum of 12 months or one year. In September 1976 for various reasons, we thought we should remove the ceiling and the 12 months reference was eliminated. In essence the program remained the same, but in September 1976 we adjusted the maintenance allowances.

**Mr. Van Horne:** I think I understand Mr. Chairman, but I beg the indulgence of the committee. I must listen to this and look at it at another time when I can assimilate the facts and see whether they make sense to me. If they do not, I would have to ask that I be allowed to come back to this point. I think I understand it, but I want to make sure that I do.

Mr. Pearce: Perhaps to add to that, Mr. Van Horne, I could state that revision of elimination of pensions and deduction of the same came to our attention after the program was in effect. It was only by virtue of representations by the miners concerned that it was deemed necessary to look objectively at the submissions they made on their behalf and therefore make recommendations back to the corporate board which, in turn, resulted in these changes being implemented.

Carrying on with this, I would like to deal specifically with the eligibility portion whereby it is set forth in our criteria that employees with asbestosis or subject to a certain amount of asbestos fibre dust would be considered eligible for entry to the special assistance program.

At this time, I would like to stress that entry to the program is basically found in the title of the program itself.

Mr. Van Horne: Would you say that again, please?

Mr. Pearce: The program is entitled the Special Rehabilitation Assistance Program to Remove Employees from Hazards of Industrially Generated Diseases. By that, we simply mean we accept that the premise of the program was twofold. The most important factor is to remove the worker from hazardous employment or from risk, if you wish, and at the same time to provide that worker with work adjustment allowances to compensate him in the case of any wage loss and to enable him to make a safe transition from hazardous to nonhazardous employment.

Basically, if a man were not at risk, he would be automatically precluded from entry to the program irrespective of whether he may have been subjected to lengthy periods of inhalation of asbestos fibre dust or medically certified as being asbestotic. At all times, he must have been in risk.

Mr. Van Horne: You get the point I am driving at. You mentioned the five factors in your memo before; it says, four or five. If we are looking on a scale of one to five you are talking about a variance or variation factor of 20 per cent.

The other factor is the progressive nature of asbestosis. You seem to be rather specific in an area that I perceive to have some considerable greyness in it. There is elasticity. Perhaps I am talking about rubber trees and you are talking about cement blocks. I am just wondering how we compare the two.

Mr. Pearce: I have to place emphasis on the fact that the program was designed as remedial by nature. It is preventive rehabil-

itation. As I have said, Mr. Van Horne, the premise of the program was to remove the worker from risk of exposure to asbestos dust where it could be shown convincingly that dust fibres were in excess of provincial standards.

Mr. Van Horne: Perhaps you could give me a runthrough, assuming that you dealt with specific individuals. Could you tell me about Mr. X, one person, and how he was dealt with? Could you run through a typical case for us?

8:30 p.m.

Mr. Pearce: Is your question in respect to a person who may be considered eligible to participate in this program?

Mr. Van Horne: Yes.

Mr. Pearce: All right. Assuming this man is indeed at risk, whether he is classed as asbestotic or has suffered long periods of inhalation of asbestos fibre dust, we have established that he was at risk.

For a moment, I would like to dwell on "at risk." At the Johns-Manville plant, we had two specified and designated areas at risk. These were classed as the Transite pipe production area—the term "Transite pipe" is not mysterious; it is a registered trademark of the company's product—and the erection and repair division, where the journeymen tradespeople were assigned in the overall plant maintenance: maintenance millwrights, electricians, plumbers, welders, carpenters and so on.

Where the worker was deemed to have qualified, our first step was to contact—

Mr. Van Horne: How do you do that? I am trying to ignore the rather mundane biological reaction brought out by the terminology used here by some members at the head table. Go back through that and tell me about it.

Mr. Pearce: The worker has qualified for entry to the program. My first step in a situation like this would be to contact the employee relations manager and the union president with a view to determining, within the terms of the collective bargaining agreement in existence with the Canadian Chemical Workers Union, whether this man had the right to medical bump and could exercise his seniority rights and bump into what was considered to be an established safe area of the plant.

Unfortunately, with this plant, we ran into a tremendous amount of difficulty in this area, basically because the Canadian Chemical Workers Union had accepted, without

any reservation whatsoever, that there were no safe working areas in that plant, north, south, east or west. As a result of this, we could not negotiate compatible work in other areas of the plant.

We were faced with a situation where we had to go to the worker and say, "We do not and cannot accept the responsibility of asking you to terminate your services." I would like to emphasize at this particular stage that we were dealing with a work force ranging in age from 51 to 64 years with, I would say, an average of grade seven education. Most of the workers had their roots down there with the company. This is not a transient work force. They started out there at a very young age. Senioritywise, we were looking at 29-year to 32-year men. They were very reluctant to leave the company, and rightfully so.

This in itself would explain, in direct response to a query you raised earlier, why, of the 80 people that our special team interviewed, we had only 18 respondents. Most of them felt they had spent their lifetime there. They had such little time left before they would be pensioned off that it might serve an extremely useful purpose if they just remained on there and combated whatever elements they deemed were applicable at the time.

I would like to stress that when we interviewed these workers we did so on neutral grounds. A special team was in attendance. This was headed up by our own chest disease consultant. He saw each worker in privacy on a physician-patient relationship. We encouraged the injured worker to bring with him his wife or the advocate of his own choice. The workers were seen by our chest disease consultant.

**Mr. Van Horne:** Let me interrupt you there. Were there any of these people who were seen, the 80 that you spoke of, who did not come voluntarily? Were there any who had to be coerced into it? Did you have to twist any arms to get those 80? In fact, were the 80 who were eligible the same ones who were interviewed?

**Mr. Pearce:** No. Initially we established the 80 subject to a confirmation of dust readings in the work areas to which they were assigned. Again, I am going back to establishment of the "in risk" who would be eligible for entry to the program.

**Mr. Van Horne:** So you defined "in risk"—

**Mr. M. Davidson:** Through what process?

**Mr. Van Horne:** You defined "in risk" as a guess, and you applied that definition to the

people who were there and said they were the 80. Is that what you ended up with?

**Mr. Pearce:** That is correct.

**Mr. Van Horne:** Did they all have dust effects?

**Mr. Pearce:** No. We had divisions of those who were suffering from dust effects and those who were confirmed asbestotics.

**Mr. Van Horne:** Maybe we could go into that a little bit. These are internal divisions. Did these people know that they were either group A, B or C?

**Mr. Pearce:** Did they know which category they fitted into, medically speaking?

**Mr. Van Horne:** Yes.

**Mr. Pearce:** Yes, indeed. This was one of the prime reasons they were seen by our chest disease consultant. He discussed these cases with them—

**Mr. Van Horne:** And their wives.

**Mr. Pearce:** —and their wives in a physician-patient relationship.

**Mr. Van Horne:** Given that this program was general knowledge in the area, and that you may have missed someone who felt he should have been eligible—I am not sure that is too realistic—were there any who came to you and said they wanted to be a part of the program who were denied entry into it?

**Mr. Pearce:** No. We had a few who came forward and expressed interest in participating in our program and we explained the criteria. My responsibility there would be to confer with our chest disease consultant at head office with a view to determining a medical point of view. I could establish, with the help of the union president and the employee relations manager, the work station in terms of designating whether it was at risk or otherwise.

**Mr. Van Horne:** This is Dr. Stewart, the consultant?

**Mr. Pearce:** This is Dr. Stewart. I worked with Dr. Stewart, not only at the Johns Manville plant, but also at Elliot Lake.

**Mr. Van Horne:** Let me get into a specific use. From the information we have, there is a problem in this instance, and I would like to see whether there could be a resolution of it. I am referring to Mr. John Tops. The claim number there is 10293297. There is a further claims number, 11177239. I am hoping these are correct numbers. They were given to me by our research people.

**Mr. Pearce:** Mr. Van Horne, it is extremely difficult in my role as a rehabilitation coun-



seller specialist to deal in specific cases. I am sure you appreciate that.

**Mr. Van Horne:** Yes, that cannot be done now. I appreciate it.

**Mr. Pearce:** Certainly I would be very happy to discuss this with you.

**Mr. Van Horne:** Our understanding generally is that this gentleman has been disabled as a result of asbestosis since 1977. That was apparently the point in time at which the definition was agreed upon, December 1977. His family physician is a Dr. Gabrielle, who I understand happens to be the family physician of the Scarborough undertaker who died as a result of exposure to asbestos. So he has more than one instance of involvement in this.

Apparently this gentleman, Mr. Tops, was declared 10 per cent disabled by the Workmen's Compensation Board. There is apparently a letter from Dr. Stewart, his chest disease consultant, stating that he can continue to work. As we understand it, he is existing on a pension of \$114 from the Workmen's Compensation Board. Out of that he pays \$20 for drugs he is taking. He tells us he has asked the board repeatedly for this rehabilitation program and has been refused, presumably on the basis that his disability level is not high enough.

We have gone around the bush on this case to a point where we feel we must bring it here, because we simply haven't been able to get answers.

6:40 p.m.

**Mr. Pearce:** I can say to you, Mr. Van Horne, that is most untrue.

**Mr. Van Horne:** I am sorry; what parts of it are?

**Mr. Pearce:** The part that the man is disqualified because he is, as you have stated, receiving the 10 per cent award.

**Mr. Van Horne:** That's their understanding.

**Mr. Pearce:** That is not so.

**Mr. M. Davidson:** If I may, Mr. Van Horne, by way of supplementary: Is it not true that there are people in the Johns-Manville plant, in the Transite pipe division and in the erection and repair division, who are receiving pensions from the Workmen's Compensation Board and are still working in high-risk areas at this moment? That is a matter of fact. It can be proven, necessary.

**Mr. Pearce:** Mr. Davidson, with due respect to you, sir, there are no high-risk areas in Transite pipe. Dust samplings will bear that out.

**Mr. M. Davidson:** That depends on what you consider to be a high-risk area. Based on the criteria you use, you are probably correct.

**Mr. Pearce:** I would like to add that, regretfully, with the economic conditions as they are prevalent there now, Transite pipe no longer is produced.

**Mr. M. Davidson:** I am well aware of that.

**Mr. Van Horne:** I will leave the case of Mr. Tops, because I think it would be unreasonable and unfair for me to present cases, given the number that you deal with from people who expect an immediate response. The numbers are on record. The name is on record. If you could please take a look at that and reply to me I would appreciate it very much.

I point out again that this is one that has not come to me alone. It arrived, as we understand it, through a process, of going all over the place to get some assistance; the problem ended up in our caucus office and was given to me as one that I should present.

**Mr. Pearce:** I would say Mr. Van Horne that I appreciate your offer very much. Certainly I would be delighted to discuss this with you. I would also add that we are very sensitive to the problems of these workers at Johns-Manville in the same manner that we were with the workers at Elliot Lake. Indeed, if a man is not eligible for our special rehabilitation assistance program, we do everything within our power to ensure that nothing has been overlooked. For instance, we consider whether we can fit him into our regular rehabilitation program.

**Mr. Van Horne:** I appreciate that, but I don't want to get away from this special program. Apparently, in spite of the significant number of special people, it has not attracted anywhere close to even half that number. If my numbers are right, there are about 80 there who could be in it, but only about 18 have applied for participation. If those numbers I started off with are correct, I think we have a further explanation coming to us.

You have spoken of the nature of the work force there, its average age, its longevity at the plant, the possible inherent reluctance to get involved with this out of whatever feeling of loyalty they might have to have to their community or their plant. But you didn't dispute the numbers I stated at the beginning. If they are not correct, please let me know. If they are correct, please try to find some reason for this relatively low participation level. It is less than 25 per cent.

**Mr. Pearce:** I think the explanation that should be tendered at this point is that when we commenced these interviews in June 1976 at the Howard Johnson Motor Inn at Highway 401 and Markham Road, strangely enough the bulk of workers placed a great deal of emphasis upon a time element to which end they might be given opportunity to respond. At that time we mentioned to them that they would certainly be entitled to all the time in the world to think this over. We took great precaution to stress that this was probably one of the most important decisions of their lifetime, and for that reason to think it over carefully.

Relatively little or no response took place. The number I have cited, 18, is correct. Of the 80 people we interviewed, those were the only ones who came forward and became involved in the program.

**Mr. Van Horne:** That then leads us into a second case. I am trying not to spend too much time with specifics. There are members who have other things they want to talk about. I think we would all be able to come in with a handful of cases. I brought with me the other day a case from London just to show the minister what one appeals case ends up with in terms of paper. I put it back in my briefcase thinking he might not be here tonight, but I will share this with you tonight before I go home. It is only one appeals case with more than an inch of paper in it.

We made the appeal, and I appeared on behalf of the claimant last July in London. We were notified of the outcome only last week. We are looking at more than 11 months and that much paper. It is just mind-bending the type of thing that goes on within the constituency office and the homes of the people involved. That is the kind of detail I could bring. But I want to touch on two or three specifics to open up this area of this special rehabilitation program.

What you just said about the 18 out of the 80 brought to mind another case that came to us as an example of someone who apparently thought about this. Whether he was at Howard Johnson's, I don't know, but apparently this individual thought about it and for whatever reasons did not act. He came along after the fact and said that maybe he should get involved.

To assist us, I will give you the name and claim number. His name is Wolfgang Palleske. The number is S-12397247. Again, he is an employee of Johns-Manville who was eligible to participate way back in 1977,

decided not to, but indicated recently—with in this calendar year, I gather—that he wanted to participate. He was told by someone that he would have an answer no later than March; that is, within a couple of months. Around March, when he was getting anxious and didn't hear, we started to get the calls. Now we are into the last couple of days of May and they have precipitated enough interest within our research department to ask if there is something—given the small number that are there—that would cause such a delay in telling this guy whether he is in or out.

**Mr. Pearce:** There were circumstances—a difference between hourly rated employees and salaried employees. A layoff took place at the plant last February in which 76 workers were involved.

**Mr. Van Horne:** I don't know whether that name rings a bell with you.

**Mr. Pearce:** I know the case extremely well.

**Mr. Van Horne:** Was he one of the ones in the laid-off group?

**Mr. Pearce:** Yes, and adequately provided for as a salaried person by the company.

**Mr. Van Horne:** Was there that kind of distinction made between the salaried and hourly rated employees?

**Mr. M. Davidson:** Could you explain what "adequately looked after by the company" means?

8:50 p.m.

**Mr. Pearce:** Salaried personnel who were subjected to layoff were given an opportunity of premature or early retirement—or slow retirement, as they term it. Apparently it is an American terminology. It means special leave off work. In recognition for their long service they would draw the equivalent of possibly 50 per cent of their salary for periods of up to three years from date of separation.

**Mr. M. Davidson:** I think Mr. Van Horne is probably going to ask the same question I am.

**Mr. Van Horne:** I don't understand that the original criteria had any distinction made within it to say that the hourly rated folks would be treated one way and the salaried folks would be treated another.

**Mr. Pearce:** It did, Mr. Van Horne, in the respect that with the inception of the Canada Pension Plan in 1967, the union—and this is not hearsay, it is not an unsubstantiated statement; it is a statement of fact—suggested to the work force as a whole that,

since Canada Pension obviously did not make provision for the stacking of pensions, they might do well to just withdraw from the company-paid pension plan. In other words, they should withdraw their savings, because their needs would be adequately provided for by the Canada Pension Plan. The result of this was that something in the neighbourhood of 80 per cent of the work force withdrew their savings from the pension plan. As the story has been given to me, the result of this was that the parking lot was filled with new automobiles in a relatively short period of time. Regretfully, I think it can be said that those who did withdraw their savings rue the day today, since they are that much closer to retirement.

The company has made provision for a noncontributory pension for hourly rated employees who are subject to the collective bargaining agreement but, in my considered opinion, in no manner, shape or form would this provide adequate means for a livelihood to meet such circumstances.

**Mr. M. Davidson:** I am sorry; I fail to understand. Can you explain to me the relationship between what you just told us and a person who is disabled on the job and getting a pension through the Workmen's Compensation Board? I don't see the relevancy there whatsoever. If a person is disabled through an occupational disease in his plant, it doesn't matter where the hell he is getting any other money. If he is disabled, he should be getting some remuneration through the Workmen's Compensation Board.

**Mr. Pearce:** Indeed he is. If he is disabled, as you say, and has been certified medically as being asbestotic, then he is receiving a benefit.

**Mr. M. Davidson:** Okay. I thought you were saying because of this they weren't getting this; that is what I understood you to be saying.

**Hon. Mr. Elgie:** I guess what he is saying is that the salaried employees did not withdraw their pension.

**Mr. Pearce:** That is true.

**Hon. Mr. Elgie:** The hourly rated employees did, because of the supposition that the CPP wouldn't stack on if they got a pension.

**Mr. Pearce:** That is correct, Mr. Minister.

**Hon. Mr. Elgie:** Now there is no base money left from their contributions.

**Mr. Pearce:** Correct.

**Hon. Mr. Elgie:** Other than a minimal company contributory pension.

**Mr. Pearce:** True.

**Hon. Mr. Elgie:** Had you heard of this before?

**Mr. M. Davidson:** No, I had not.

**Mr. Van Horne:** Nor had I. I still have trouble, I guess, with the *raison d'être* for the program.

**Hon. Mr. Elgie:** That has nothing to do with the WCB program.

**Mr. Van Horne:** No, I realize that.

**Mr. M. Davidson:** That's what I couldn't understand.

**Mr. Pearce:** I wasn't trying to suggest that we would willfully deprive someone of entitlement—

**Mr. M. Davidson:** I was hoping that was not what you were saying.

**Mr. Pearce:** —because they were receiving some form of remuneration from the company; that was not my intent.

**Mr. Wisocky:** Mr. Chairman, if I may, I will try to summarize the program in a few words, and I hope people can understand it. The program was brought about as a preventive measure. In other words, it was and is believed that if a person has dust effects, or some form of asbestosis, by his removal from hazardous exposure that person will not deteriorate in the future or develop the disease. That was the plain, simple truth behind the program as I know it.

The criteria for eligibility were also very basic. There were three factors. First, the person was or is in hazardous exposure as defined under our criteria. In other words, Mr. Van Horne, the 0.5 fibres per cubic centimetres that you talked about.

**Mr. Van Horne:** Is that hard or is it fortified?

**Mr. Wisocky:** It's 0.5 fibres per cubic centimetre. I think you're looking at the code four and five for the silicosis.

**Mr. Van Horne:** I'm looking at your document 44-21-01.

**Mr. Wisocky:** The first point there is about silica dust.

**Mr. Van Horne:** It says: "The corporate board requested that one policy document be developed covering the program for miners with silica particle dust evident in X-ray (e.g., '4' or '5' rating)."

**Mr. Wisocky:** I can explain that. We had two separate documents, one for the Elliot Lake situation, where we had silica dust, and one for the Johns-Manville program, where



there were asbestos dust fibres. The board thought we should meld the two documents into one document for a special report.

**Mr. M. Davidson:** Neither one is relative to the other in terms of making a determination based on—

**Mr. Wisocky:** The criteria are a little bit different.

**Mr. M. Davidson:** Yes.

**Mr. Wisocky:** But it's all stated there.

**Mr. M. Davidson:** It's all in one document. But when you make a determination they're not relative one to the other. If you work with asbestos, it's based on asbestos.

**Mr. Wisocky:** You're right there. As far as the asbestos situation is concerned—0.5 fibres per cubic centimetre—the air readings were done through the Ministry of Labour. Our people looked at it to see what the exposure level was. If it was above 0.5 fibres we considered it hazardous. If it was below that it was not considered hazardous. That's putting it as plainly as I can.

The other thing is that the person must have either dust effects evident through X-rays and medical examinations, or a form of asbestosis. In other words, a recognized permanent disability. Once he had those two things, he theoretically qualified for the program.

The third factor was that the removal was both vocationally and medically appropriate. I explained that too. If a person was 64 years old, or 63, sometimes it didn't make any sense to remove him when he was going to retire within a year. That was discussed by a team and they came to some sort of a determination.

Those are the three basic criteria we used.

When a person two years later decides he feels he would like to go on the program, by that time his circumstances have changed; the air readings are such that the exposure level is no longer considered hazardous. That is really the point at issue.

**Mr. Van Horne:** Is there any validity to the statement I made earlier that asbestosis is a progressive disease, and whereas at one point in time he may be rated in a certain way, later on he may be rated as being in a higher category? Is that true?

**Mr. Wisocky:** That's possible. That's up to the medical people to decide. People with dust effects have developed a form of asbestosis.

**Hon. Mr. Starr:** That might be a point that Dr. McCracken could address.

**Dr. McCracken:** From a medical standpoint, there are a few points that require some clarification.

First of all, the four and five you are making mention of, Mr. Van Horne, is specifically the coding used for persons exposed to silica and has nothing to do with exposure to asbestos fibre dust.

The category that has been used by the Workmen's Compensation Board for many years, the other category that is used, is—

**Mr. Van Horne:** Tell us about the asbestos ratings and how you define them.

**Dr. McCracken:** We can leave the code four, code five. That has nothing to do with levels of asbestos fibre dust.

From a medical standpoint, there is only one type of recognized condition, and that is asbestosis. We're not talking about the malignancies at the present time. This special program was designed for asbestotics.

Over and above that, however, several years ago we were able to develop a document and define asbestos fibre dust effect. Asbestos fibre dust effect is a situation where the man does not have asbestosis in so far as his X-ray examination is concerned. He does not have asbestosis in so far as his pulmonary function studies are concerned. He does not have asbestosis as far as the clinical examination is concerned. But he does have certain identifiable, subtle changes which we have interpreted may be a precursor—I say may, and I emphasize that—to asbestosis.

9 p.m.

**Mr. Van Horne:** Hang on for a minute. Let's go back to Mr. Pearce, who said there were two different sets of conditions that were considered if you were examining them prior to 1976. You came up with this memorandum when you were talking about, as I understand, uranium miners in Elliot Lake as one of the major factors involved on the one side, and the people such as we have at Johns-Manville on the other side.

Are you saying they are so distinct and separate that a set of conditions has to be established for each one? Have you got such a document, or have you put the special rehabilitation program together, as it would apply only to those at Johns-Manville?

**Dr. McCracken:** No, not at all. What I'm talking about is a medical document—not the special vocational rehabilitation document.

What I'm saying is that up until 1970 nowhere in the world was there any document in existence which would allow spe

cially trained physicians to look at this type of disease.

**Mr. Van Horne:** What type of disease? Asbestosis?

**Dr. McCracken:** Asbestosis—to identify asbestosis before it became a clinical reality. In other words, if I could go back to the silica, it is similar to the code four X-ray. Code four X-ray is an X-ray in which, from a radiological standpoint and from a medical standpoint, the individual does not have silicosis, but he does have changes going on in his X-ray which are compatible with and may indicate he is in the pre-silicotic stage.

Similarly, what the Workmen's Compensation Board was able to do was to develop the indicators which would allow us to say, from a medical standpoint, that this person, with these findings, might be in the precursor stage and might progress to develop asbestosis.

We were the first group to be able to do that. It has been challenged a number of times in the medical world, but so far it has stood up to the challenge.

**Mr. M. Davidson:** It has been accepted more times than challenged.

**Dr. McCracken:** I wouldn't say that. The acceptance in the medical world has not been all that great. The people who are involved in this type of work are rather oath to accept these fine nuances in X-ray changes. They're sceptical about it. As far as we're concerned, we're satisfied that they're there and that we are able to utilize these.

This is the category known as asbestos fibre dust effect. The closest I can come is that it is synonymous with the code four X-ray for pre-silicosis.

We can't call this pre-asbestosis because it's not that well defined; so we call it asbestos fibre dust effect.

These cases were eligible for the program if they met the other criteria, just the same as the cases of asbestosis were eligible for the program if they met the other criteria.

**Mr. Van Horne:** When you say just the same as those who have asbestosis, tell me how you distinguish between them and the category you just described before that.

**Dr. McCracken:** The people who have asbestosis have radiological changes which are keeping with the diagnosis of asbestosis.

**Mr. Van Horne:** With no question? There's no feeling in the medical community that makes the ultimate decision that it could be or could not be?

**Dr. McCracken:** It's not all that black and white, I'm afraid.

**Mr. Van Horne:** If it's not all that black and white within a category, and it's not all that black and white between categories, surely we have some problems.

**Dr. McCracken:** They are problems from a medical, scientific, technical standpoint. Indeed, they are problems. The very best radiologists we have are the people who have to interpret these X-rays. As a matter of fact, so far as the International Labour Organization method of reading X-rays for silica is concerned, currently I know of one physician in Ontario who is qualified and trained to read such X-rays. That just gives you an idea as to the complexity of it.

**Mr. Van Horne:** Is he being used by the Workmen's Compensation Board?

**Dr. McCracken:** Yes.

**Mr. Van Horne:** He's here in Metro, is he?

**Dr. McCracken:** Yes.

**Mr. Van Horne:** What is his name, out of curiosity? Could you tell us his name, or is that not to be divulged?

**Dr. McCracken:** I don't see any reason why not. His name is Dr. J. Vingilis.

It is indeed a complex problem. When the X-ray findings and the pulmonary function studies and the clinical findings are put all together, in 90 per cent of the cases the experts can be well satisfied that a person does have asbestosis.

There is that grey area where it is extremely difficult to determine. This is why a person will go along for a period of time and the chest advisory committee to the board, of which Dr. Vingilis is one of the members, will be unable to make the statement that the person has asbestosis.

They say he is showing signs of asbestos fibre dust effect; he is showing some clinical signs which are suggestive of asbestosis. After a year, sometimes two years, sometimes three years, the diagnosis is changed because they are able to arrive at a diagnosis of asbestosis. It's an extremely difficult medical decision to make, but there are the two main categories that are utilized.

The other question of clarification concerns—

**Mr. M. Davidson:** Progression.

**Dr. McCracken:** —the matter of what happens in this disease and the rationale for having a special program.

**Mr. Van Horne:** Are you going to tie progression into that?

**Dr. McCracken:** The very reason for the program was based on the premise that by taking a person out of risk, if the person is one of those cases whereby coming out of risk means the disease will not progress, the program is well worthwhile. Having said that, from a medical standpoint—

**Mr. Van Horne:** You can't be sure.

**Dr. McCracken:** That's right. I believe you made the statement that it was a progressive disease. That is not the fact of the matter. Asbestosis is progressive in certain individuals only; in other individuals it is not progressive. There is no way of identifying in which individuals the disease will be progressive and in which individuals it will not. This compounds the problem again.

**Mr. Van Horne:** If you knew that, you wouldn't hire them in the first place. Ultimately, that's the bottom line.

**Dr. McCracken:** That goes back before that again. What you're talking about now is some genetic identification.

**Mr. Van Horne:** You should be able to identify them.

**Dr. McCracken:** We could, if there was some genetic identification where you could take a blood test and say, "Sorry, if you expose yourself to asbestos fibre dust, in all probability you will end up by having asbestosis." We don't have that facility that we can use because there hasn't been that scientific breakthrough.

We're in a situation where some people will progress, even if they're taken out of risk. They will progress from asbestos fibre dust effect to asbestosis. There are some people, even if they are taken out of risk, whose asbestosis will worsen. There are some people, who are the other way around. If they are taken out of risk, we believe the disease will stop its progression. On that premise we feel the program is well worthwhile.

Even if there is only one person for whom the disease will not be progressive if he or she is taken out of risk, that makes the program well worthwhile so far as I'm concerned.

**Mr. Van Horne:** I must admit to being a little uncomfortable about what the doctor has said. I guess that feeling comes from not fully appreciating the grey areas I perceive here. I would have to ask that I have the time to sit back and take what was said tonight and apply it to some of my learned friends and see what matters are here that we could pursue.

It leaves me not fully satisfied. It's not that you are being obtuse or evasive. I don't want you to walk away from here thinking that I don't trust you. It's a matter of what I think of as a gap or a fault in the program.

9:10 p.m.

**Hon. Mr. Elgie:** Just for interest, there are other medical diseases that present the same picture: multiple sclerosis, for instance. It may stop, it may be chronic with years between attacks, or it may be acute and unremitting. We don't know why. It's the same thing, as Dr. McCracken was saying, with asbestos. We don't know why people respond differently, but they do. What I think he is saying is that we don't want to take a chance on the category.

**Dr. McCracken:** That is correct. Since we can't distinguish the person whose disease will progress, no matter what we do, from the person whose disease will not progress if we take him out of risk, the program is designed to take that into account and to take the people out. As I said, even if one of the 18 who came out of the program has the nonprogressive type of disease, the program is well worthwhile—totally worthwhile.

**Mr. M. Davidson:** Could I ask a supplementary? Would it be fair to say that the difference, from a medical point of view, between asbestos dust effects and asbestosis is that asbestosis is more readily identifiable because it covers a greater area of the lung?

**Dr. McCracken:** No, you can't even say that, unfortunately, because there is such wide variation. There are some cases where a diagnosis of asbestosis can be made on X-ray examination where the disease is limited to the lower portions of the lung, the basal portions of the lung, and the remainder of the lung is absolutely clear and appears to be totally normal. There are other cases where there is a diffuse infiltration of the disease to all lobes of the lung. Again, there is a wide variation.

This requires a person who is really expert in the interpretation of X-rays. The vast majority of radiologists do not have the expertise to make a diagnosis on X-ray examination as to whether a person is suffering from asbestosis or not. It's a very difficult diagnosis to make, and the people must be really expert to do it.

**Mr. M. Davidson:** You could fail on either side.

**Dr. McCracken:** Yes.

**Mr. Di Santo:** I heard Dr. Selikoff say that any exposure to asbestos is harmful in one



way or another, and that this has been ascertained scientifically. He has been working on this for many years. Now that we know it's a dangerous substance, don't you think we should look at preventive action rather than having to cope with all the problems you say result when a person has been exposed to asbestos?

**Dr. McCracken:** This is a preventive program in that we are hoping to prevent a person from getting asbestosis or prevent a person who has asbestosis from getting it worse.

In so far as Dr. Selikoff is concerned, when he says there is no identifiable safe level, he is referring to the fact that asbestos has been demonstrated to be a carcinogenic agent; it causes cancer. In so far as a safe level is concerned, to ensure that a person will not develop asbestosis, this is something I really don't know. The two-fibre level, which is the current level, has not been in effect long enough for us to have any experience as to how many people, if any, are going to get asbestosis at that level.

The level we took for our program was 0.5 rather than two fibres. The reason we did that was to crank in that added safety factor rather than take the two-fibre level and say, "If your work place exceeds this, then you qualify." We elected not to do that, but we elected to use the 0.5 figure, which is one quarter of the current level.

**Mr. Chairman:** Mr. Van Horne, I understand you have to leave at 9:30. Do you have any further questions at this time?

**Mr. Van Horne:** Mr. Chairman, I apologize for that because it seems that my party may not have a member here for part of the last hour.

**Mr. Chairman:** I understand.

**Mr. Van Horne:** Going back to the last case mentioned, the Palleske case, with which Mr. Pearce indicated he was very familiar, we sort of went off at a bit of a tangent, trying to distinguish between a program available for salaried people versus one for hourly-rated folks.

**Hon. Mr. Elgie:** He didn't say that.

**Mr. Van Horne:** You made some reference to a layoff, to the fact that he was laid off in February 1980.

**Mr. Pearce:** My introduction of that topic was intended to convey to you that there are certain provisions made for salaried personnel as opposed to no provisions for hourly-rated workers.

**Mr. Van Horne:** All right. You also mentioned that he was laid off this year in February. Is that true? Whichever category he comes into, does the layoff have any bearing on his not being accepted into the program?

**Mr. Pearce:** None whatsoever.

**Mr. Van Horne:** Why did you mention it? Why get into that then?

**Mr. Pearce:** I introduced that topic because I was of the opinion that you felt or were saying to me that there was some reason, other than the fact that he may not have been able to meet the criteria, that resulted in his rejection.

**Mr. Van Horne:** Does he or doesn't he meet the criteria?

**Mr. Pearce:** He does not.

**Mr. Van Horne:** For what reasons, again?

**Mr. Pearce:** The man has never been working in the risk area.

**Mr. Van Horne:** He has not been diagnosed as having the five factor?

**Hon. Mr. Elgie:** You mean, does he have any evidence of the asbestos exposure?

**Mr. Van Horne:** Yes.

**Hon. Mr. Elgie:** Dust effects or any greater effects?

**Mr. Van Horne:** Plainly and simply, he is not eligible, period. Is that what you are saying?

**Mr. Pearce:** That is correct.

**Mr. Van Horne:** He doesn't have any problems?

**Mr. Pearce:** That is correct.

**Mr. Van Horne:** If that is the case, why was he told that he might be given an answer as to his eligibility at the end of March? Why the hell didn't you tell him at the beginning?

**Mr. Pearce:** He was told that. Our reason for considering a date in March was simply, as I stated earlier, that when a man is not eligible for the special program we examine other facets in an endeavour to assist him.

**Mr. Van Horne:** I have trouble with that.

**Mr. Wisocky:** Mr. Chairman, if I may and if Mr. Van Horne agrees, I would be most happy to arrange an appointment with him and to bring along Mr. Pearce to discuss the three cases in detail, so that he gets a clear picture of the facts and can judge accordingly.

**Mr. Van Horne:** Yes, but the three cases I brought here are typical, as we understand them.

In this instance, if the man does not qualify but he comes along and applies, if he is in a plant where other guys apparently qualify, it strikes me that it would be fairly simple and straightforward to say: "Sir, our information is that you don't qualify. Let's not beat around the bush. Go back to your job and keep happy." But apparently he was told you might have a decision at the end of March.

Mr. Wisocky: I wouldn't describe these cases as typical, Mr. Van Horne, with all due respect. I think they are unusual. The man was inquiring about other services, which we explored. I would really like to sit down with you, give you all the details and leave it up to you to decide what you want to do.

Mr. Van Horne: All right.

The third example—and this is the last one, Mr. Chairman—concerns Mr. Edward Cauchi. I may not be using the pronunciation used in his community, but where I come from, where there are significant numbers of Portuguese and others, that is how you pronounce it. The claim number is S10408101.

Apparently this gentleman is in receipt of an allowance under the special rehabilitation program. Perhaps this is a matter I should be directing to someone other than you, but our understanding is that he should have been in receipt of an increase as a result of the amendments made in December 1979, and yet it was decided, for whatever reasons, that his entitlement to this is in some kind of question. To this point he has not received any increase. Is this just a technicality or is there something there that would preclude his being eligible for an increase?

9:20 p.m.

Mr. Wisocky: Again I would like to look into that.

Mr. Van Horne: Fair ball. Let me ask generally, however, are there instances you are aware of where people have not been eligible, for whatever reasons, for an increase in their allowances brought in through the amendments of December 1979?

Mr. Wisocky: Of those in the program, I am not aware of any.

Mr. Van Horne: So there are no exceptions.

Mr. Wisocky: I don't know. I would like to look at this case to see what happened.

Mr. Van Horne: Again, I appreciate that. Mr. Chairman, that is what I wanted to speak of tonight. The other point I had was

with the women's representative. I understand she will be here next time around so let me stop at that point.

Mr. M. Davidson: Mr. Chairman, if I may, I have a supplementary I would like to ask, before the gentleman leaves, related to the Johns-Manville special program.

Mr. Van Horne indicated that originally 18 persons entered the program out of 80. You have given us some age brackets as to those who probably entered the program. They ranged from 51 to 64 years. Wouldn't part of the reason for that be, if I may ask, the criteria used by the board of, I believe, 20 years' exposure before recognition is granted?

Mr. Wisocky: If I understand your question, the guidelines for allowance of asbestosis really are separate from the guidelines for the special program. A 20-year factor has nothing to do with it.

Mr. M. Davidson: That is what I wanted to find out. Are there still 18 persons involved in the program?

Mr. Wisocky: Yes.

Mr. M. Davidson: Could you outline for me under the special program to get the men not only out of the risk area but actually out of the work place, what kind of rehabilitation you have provided to these 18 persons?

Mr. Pearce: This has included provision for formal training at the community college—Durham College at Oshawa to be precise. It has included provision for relocating workers from their immediate place of residence into a new locale. It has included supportive financial measures in respect to training on the job. It has included assistance in selective employment with comparable industry.

Mr. M. Davidson: Out of those 18, how many people have you actually placed back into the work force?

Mr. Pearce: Ten.

Mr. M. Davidson: Is it true, as we have heard, that there are approximately three or four who, to this date, have never received any form of rehabilitation whatsoever, but have spent the last couple of years sitting at home?

Mr. Pearce: I wouldn't agree with that. There have been interrupted periods of that group you mentioned, back and forth, but to say they have been sitting continuously at home over a period of time such as you have mentioned is not true.

**Hon. Mr. Starr:** What he means is, are there some in addition to the 18?

**Mr. Pearce:** No.

**Mr. M. Davidson:** No, are there people included in the 18 who really have not received any form of rehabilitation but have pretty well been left sitting at home waiting for something to happen?

**Mr. Pearce:** No.

**Mr. M. Davidson:** You are taking exception to the Canadian Chemical Workers' Union position that there are, out of those 18, some people who have never yet received any form of rehab and are sitting at home, particularly the position taken by Charles Neilson, the president of Local 26, who has documentation to this effect.

**Mr. Pearce:** I would find that difficult to reply to.

**Mr. M. Davidson:** Well, I don't have it here, but I would be more than pleased to get the evidence. I would like you to return and I will present it to you.

**Mr. Pearce:** Mr. Neilson is currently in Europe on a vacation.

**Mr. M. Davidson:** That may well be but he still has other people there who look after the union affairs.

**Mr. Pearce:** I am aware of that, Mr. Davidson. I spent a good deal of Sunday with the union in my attempts to go over the list of layoffs because of our expressed concern, and spent all day Monday of this current week in the plant reviewing every case.

**Mr. M. Davidson:** You are aware, though, this is one of the charges the union is making in terms of special rehab programs?

**Mr. Pearce:** I heard these charges on numerous occasions. I have seen them in the press, I have seen them on my television set.

**Mr. M. Davidson:** Let me put it another way: Would you deny the people themselves who are in the program and have been sitting home? Would you suggest they are not being accurate in their statements?

**Mr. Pearce:** I would say this to you, that each person who is on the special program seen by myself on an ongoing basis and whose services are available and have been rendered.

**Mr. M. Davidson:** I never suggested you haven't seen them and I never suggested the board has not been in touch with them. What I am suggesting, and I believe there is evidence to indicate this, is there are people on that program and no attempt has been made to rehabilitate them into another

work place. They are simply sitting at home receiving their cheques.

**Mr. Pearce:** I can't agree with that statement, Mr. Davidson, because that is not our policy. We are there to assist people.

**Mr. M. Davidson:** I will get the evidence on this. That is all for the moment.

**Mr. Pearce,** when you were responding to Mr. Van Horne, you made a comment that it was very difficult in certain circumstances because the union, without reservation, had declared no part of the plan as being a safe work environment or a nonrisk area. I would suggest to you that is understandable, given that there are variances as to what is considered a nonrisk area when you are working with asbestos.

There are those who believe two fibres per cubic centimetre is a level at which you can operate. There are other medical opinions which indicate something much lower than that. I realize in the Johns-Manville plant they have got down to, I believe, 0.08 fibres per cubic centimetre. They have done a tremendous job in cleaning up, but I think the union questions whether that is still low enough to be a nonhazard or a nonrisk area. That is their argument. I understand the position you have to take based on what we recognize as being a safe level.

**Mr. Di Santo:** Mr. Chairman, I asked questions yesterday about the agreement which was signed between Italy and Canada. Unfortunately, I didn't get a satisfactory answer. Perhaps the minister might be able to answer my concern for workers who choose to go back to that country and whether under the present agreement they are being deprived of the fundamental right to make their case before the Workmen's Compensation Board if, once they are in Italy, the doctor there decides their disability is more serious or that their condition is exaggerated.

I have a letter from Mr. MacDonald. I asked at that point what happens to them if they choose to be present and they appear. I was told they can have a representative and he gave me a leaflet that says transportation expenses for out-of-province residents are paid from the Ontario board to the municipality in Ontario where the hearing is held.

I would like to bring this to the attention of the minister and ask whether he does not consider this to be a major limitation in the agreement and whether he thinks that may be changed in the future.

**Hon. Mr. Elgie:** The agreement, as you know, was gone over very carefully by the



Italian advisory committee which thought it was a good agreement. I think it was the Union of Injured Workers which also had a chance to go over it and agreed with it. It is the same as the Quebec government's agreement and, oddly enough, the Italian government hasn't ratified the agreement yet. There may be some technical reason for that but I don't think there is anything about it they don't like because I have talked to them. I think it is just because of the change in government that has gone on over there in the past month or so, as you know.

9:30 p.m.

I do not say that it is something that was left out deliberately. It was a matter of its representing what appears to be a standard accepted by those who were involved in the negotiations. I do not know what the future will hold. I guess we will have to look at the cases that develop and see if there are problems about it. What else can you say? Certainly it has never come up before, that is all.

**Mr. Di Santo:** Yes, I understand that. But what will you do in a case wherein an injured worker is examined by a doctor who says that his condition is aggravated, giving him the right to appeal the decision of the board?

**Hon. Mr. Elgie:** I will have to ask the board what would happen. You have a doctor who examines the worker in Italy and sends the report over here to determine whether the percentage of disability should be changed. A decision is made, we will say, not to change it, and you are suggesting that he or she might want to appeal, and asking what the process would be. That did not even come up in the negotiations or discussions from any group. What would happen in a case like that, Mr. MacDonald?

**Mr. Chairman:** I believe that was answered yesterday.

**Mr. MacDonald:** Yes, I believe I did answer it. I tried to suggest to Mr. Di Santo yesterday that this really is a hypothetical situation. When we were looking over the need to have this agreement, we could find only one case that had occurred in our past history in which we had a problem. No cases have come to our attention during the discussions, and certainly no cases since we have had the agreement.

I suggest to you, Mr. Di Santo, that when and if we do have a situation like the one you described, we will find a way of resolving it. In a general way, if the man does not wish to come back to Ontario, he could be represented by anyone of his choice, by proxy.

**Hon. Mr. Elgie:** What if he does wish to come back to Ontario?

**Mr. MacDonald:** Again, you would have to look at the individual case to see what was warranted. But I suggest to you that you are manufacturing a problem that does not yet exist, and I do not think it is going to exist.

**Mr. Di Santo:** I think the agreement should make provisions—

**Mr. MacDonald:** One of the sections of the agreement calls for an annual or regular review of the provisions of the agreement by joint committees. Certainly, if it becomes a problem, we will have to discuss it and find a solution.

**Mr. Di Santo:** Okay, I will not pursue this issue further.

**Hon. Mr. Elgie:** The mechanism was built into the agreement to resolve problems.

**Mr. Di Santo:** Yes, but this is the major point that is not solved by the agreement, and it was brought up several times at the conference when you were present.

**Hon. Mr. Elgie:** Yes, I know it was. But it just was not raised during the discussions and the mechanism was put into the agreement to resolve, or at least to discuss and try to resolve, problems that arose. If the problems arise, then I guess we have to face them and find an answer.

**Mr. Di Santo:** I also asked another question but, unfortunately, there was not a satisfactory answer. I would like to ask the minister now if he does not think that the policy of the board should be changed vis-à-vis the fact that medical reports are made available for the Canada Pension Plan but are not made available to us when we are representing the workers at the appeal level.

**Hon. Mr. Elgie:** I have supplied some of those reports, and they are supplied to a physician at the Canada Pension Plan. I suppose you know of the debate that is going on at the moment with regard to the confidentiality of reports. I will not give my personal viewpoint on it, but you know that the view is that an exchange of reports between physicians is something that is acceptable.

At the present time it is the reports that the board receives under the act that are deemed to be confidential. Whether the board's present practice is an appropriate one I cannot say. But if you want my personal opinion, I think we will be heading into an era in which there will be much greater openness with regard to reports. I think we will have to wait and see what the Kreve report says about these things. My own per-

sonal view has nothing to do with what I think the board should do in the light of the constraints that are placed upon it by its legislative mandate.

**Mr. Di Santo:** I think you will agree it is very difficult for one of us to go before the board and represent an injured worker without having available the medical reports, while when we go before the Canada Pension Plan, they give us the report that has been supplied to them by the board. I think that is very serious. I do not know how the policy should be changed, but certainly it is a serious matter that we have raised several times. I would like to bring that to your attention because the present practice is unsatisfactory from the point of view of the injured workers.

**Mr. Lupusella:** May I ask a supplementary question, as Mr. Di Santo is going to change the topic? You just stated that eventually the policy is going to be—

**Hon. Mr. Elgie:** No, I said I can foresee that possibility.

**Mr. Lupusella:** I would like to pinpoint a situation, because we are used to tackling the Workmen's Compensation Board, employees of the Workmen's Compensation Board, the chairman of the Workmen's Compensation Board, and so on. Who is running the Workmen's Compensation Board?

In relation to legislative changes, you are responsible for those, and of course the chairman of the Workmen's Compensation Board along with the employees working for the board are supposed to implement the legislative changes that have taken place down here. The question I would like to raise before you is, are you planning to make changes in the Workmen's Compensation Board, instead of attacking the chairman and the employees of the Workmen's Compensation Board about wrong policies that are in existence at this time?

I would like to know your opinion as a politician, and what you are planning to do on behalf of your government to make the required changes in order that employees of the Workman's Compensation Board, including the chairman, are going to feel more comfortable in implementing those legislative changes which are supposed to come from your ministry.

What are you going to do? I am getting sick and tired of promises and promises. We have been attacking the board, while it is you who have been responsible for that.

**Hon. Mr. Elgie:** I think you know very well that one of the issues that will be

addressed is the issue of medical reports in the light of the Krever commission and in the light of the Weiler study. Certainly, that is a process in which I am very much involved. It will be addressed one way or the other in the light of those reports.

**Mr. Lupusella:** Are you telling us that when the Krever report is available to the public and to us, you foresee there will be legislative changes made to ensure that the board is going to take into consideration the point that has been raised by my colleague?

**Hon. Mr. Elgie:** I am saying that in the light of the Krever report and the Weiler report, interim or long term, recommendations arising from those reports will be taken into consideration with regard to legislative changes.

**Mr. Di Santo:** Mr. Chairman, I would like to ask this of the chairman of the board: On page seven of his opening remarks he says that in 1979 "we topped even our more optimistic projections by finding 2,868 job openings and placing 859 rehabilitated workers."

In the 1978 report he says they found 1,425 jobs and 418 new jobs for rehabilitated workers. On page 17 of the report he says, "In 1978 a record 2,800 people successfully returned to employment." On page 19 it says that the number of workers rehabilitated was 2,800, the same number. Then there is a footnote that says rehabilitated workers "returned to former employment; new employment; self-employment; and achieved financial self-sufficiency through other means." Can you explain to me what that all means? Did you find jobs for workers who are rehabilitated or did you rehabilitate 2,800?

9:40 p.m.

**Hon. Mr. Starr:** What is the last part of your question, Mr. Di Santo?

**Mr. Di Santo:** You say on page 17 that 2,800 workers returned to jobs and then you say on page 19 that 2,800 workers were rehabilitated. Of those workers rehabilitated, there were not only people who returned to work but also other people who found new employment or self-sufficiency through other means.

**Hon. Mr. Starr:** I don't have all those figures before me at this moment nor can I explain the differential except to say that we do rehabilitate workers and we do try to place them. We have launched ourselves into a specialist area where we have blitzes throughout the province's various munic-

ipalities with a great deal of success in trying to place these people. If there is any discrepancy in the figures, if that is what you are talking about—

Mr. Di Santo: Yes.

Hon. Mr. Starr: —I would ask Mr. Wisocky to explain any discrepancies that appear in the financial report.

Mr. Wisocky: Mr. Chairman, the figures are two separate things. I guess this is one of the problems. It depends how you interpret them. If you read the words carefully in the annual report, it does say that we returned a record 2,800 people back to work and that figure is rounded off for obvious reasons. If you want a specific figure, it's 2,787 people. Of the 2,787, 418 were returned through our Special Training on the Job Program, and primarily these are people we returned to new employment. So the 418 is part of the 2,787.

Hon. Mr. Elgie: How did the others return to work?

Mr. Wisocky: The others were through the efforts of the counsellors. In other words, it's not only employment specialists who return people to work. We have case load carriers whose primary responsibility is to work with the original employer to get him back there or else find a new job. If that's unsuccessful, the employment specialist enters the picture.

Mr. Di Santo: The chairman says that in 1978 his staff found 1,425 job opportunities for rehabilitated workers and placed 418 in new jobs. I cannot reconcile the figures.

Mr. Wisocky: The employment specialists find job opportunities, and that year they found 1,425 job opportunities suitable for placement of injured workers. Of the 1,425, 418 were utilized. We don't say, "Mr. X, here is a job. Take it." We like to say, "Mr. X, here is a selection of two or three jobs in a field in which you have expressed an interest. Which one would you like to take?"

Hon. Mr. Starr: Mr. Di Santo, we have an average of about 25 to 30 per cent success in the jobs we locate. We knock on doors. For example, I will go back to Windsor. We found some 63 job opportunities, but we were only able to place 31 injured workers there.

Mr. Lupusella: On the same lines as my colleague, Mr. Chairman, in 1978, there were 28,496 injured workers using the service of the board. There were 28,496 interviews conducted by the division. In the light of this figure, and considering also that 2,800 injured workers have been rehabilitated, taking into consideration the number of people who have been employed as well, why there is this discrepancy?

Considering the number of people using the interview process as a service of the Workmen's Compensation Board, in my opinion there is a high percentage of injured workers coming to the board for an application but the board is just rehabilitating 2,800 injured workers. How many people have been employed?

Mr. Wisocky: Twenty-eight hundred; 2,787 to be precise.

Mr. Lupusella: What's happening with the rest of the injured workers who are coming in for rehabilitation and eventually waiting—I don't know how long—until they will be able to find a job?

Mr. Wisocky: That's a good point, Mr. Lupusella. There are several factors involved. The gathering of statistical information dates back many years. What I am trying to do is ensure some semblance of continuity of figures in the same format to ensure that people can understand the figures. The 2,800 referrals you talk about encompass all types of services we give. They might involve social workers' referrals, commutation requests, people when went to our hospital and so on. These are all part of the 2,800. The ones you are interested in are the ones who require assistance in finding jobs. In 1978, there were 4,743 of those types of referrals, people who were fit for work or modified work. In most cases they had no job to go back to. They were the ones we had to concentrate on finding jobs for. That was the number of referrals in that particular year. We also got almost 2,800 back to work.

I plan to table all the statistics. Since Mr. McClellan asked about it, I will table the various statistics from 1974 right up to 1979 so that you will have an opportunity to look at them. They cover all categories and I wish to stress that an explanation has to go along with the figures. They cover various categories because they have been used for many purposes, not just for this purpose.

Mr. Wildman: Can I ask a supplementary? Did those figures you are giving us include injured workers who have been judged to be fit for modified employment or light duty work but who live in very small communities in which there is no light duty work, who may own their homes and for whom it will mean a major financial loss if they have to move—besides all the emotional problems and so on—and go a long distance? For instance, I will take an extreme example. Let's say you had somebody in Moosonee who was fit for light duty work and, other than perhaps being a night watchman or something at the



federal or provincial government installations, there might not be a hell of a lot of light duty work; or any small community, a railroad community like Armstrong or some place like that, where the worker doesn't want to move. Is he included in those figures, or what happens to him?

**Mr. Wisocky:** Most definitely. Our main eligibility criterion is very simple. If a person has a compensable disability which precludes his return to the pre-accident job, that case is referred to our services regardless of where the worker resides. I can go into the system of how the referrals are made. The claims services division and the medical services division and others are of great assistance in identifying these cases and bringing them to our attention. The fact that the person lives in Moosonee has no bearing on his eligibility and his services.

I agree with you that realistically, when you look at the situation, there may be no light work and so forth. We try to counsel the man accordingly. If he decides he would like to relocate elsewhere, then we do help in that regard.

**Mr. Wildman:** What happens if he refuses, if he says, "No, I want to stay in Moosonee"?

**Mr. Wisocky:** That's a decision the man makes. We try to give him all the facts of life. It is up to him to decide which way to go. If he decides one way, then we can counsel him as to what happens after that.

**Mr. Wildman:** What happens to his pension?

**Mr. Wisocky:** His pension is determined on medical findings. Choice about relocating has no bearing.

**Mr. Wildman:** What if it were judged that he is taking himself out of actively trying to find work?

**Mr. Wisocky:** If that's the decision the man reaches he is given appropriate counselling, then we alert the claims services division of that fact. They judge his further entitlement based on the information they have. More than one fact is taken into consideration. They take the medical findings and so on.

9:50 p.m.

**Hon. Mr. Starr:** I think the question Mr. Wildman is raising is that a person may be on a pension but receiving a supplementary, and what happens to the supplementary aspect when you approach him and say, "We have a job for you 200 miles away."

**Mr. Wildman:** Let's say Moosonee.

**Interjection:** Is that in Algoma?

**Mr. Wildman:** Moosonee. I am the critic for northern affairs.

**Mr. Wisocky:** If a person is on supplementary benefits under section 42(5), we go through the same process. He is on 42(5) benefits because the man has said he is available and is co-operating with our vocational rehabilitation program. If we find out there is absolutely no work in the community, it is still up to the person to decide his future life.

**Mr. Wildman:** He is really in a catch-22, isn't he?

**Mr. Wisocky:** Not necessarily.

**Mr. M. Davidson:** How often would you be prepared to uproot yourself and move away from the place you have lived all of your life?

**Mr. Wisocky:** This is a hard decision, Mr. Davidson, I agree with you, but—

**Mr. Wildman:** Especially if you are Cree and speak Cree and live in Moosonee, and you are being told to move to Cochrane.

**Mr. Wisocky:** It is a hard decision; I don't deny that.

**Mr. Di Santo:** My colleague Mr. Davidson reminds me we are still on the main office. We will pursue this when we go to rehabilitation.

**Mr. M. Davidson:** I pointed out to some of my colleagues that we more or less set out criteria to follow in main committee. I have a supplementary to Mr. Wisocky, based on something he said. He talked about economic self-sufficiency. Can you explain what that means?

**Mr. Wisocky:** Financial self-sufficiency.

**Mr. M. Davidson:** Does that include the Canada Pension Plan?

**Mr. Wisocky:** It may.

**Mr. M. Davidson:** The wife working?

**Mr. Wisocky:** It may.

**Mr. M. Davidson:** Welfare?

**Mr. Wisocky:** I doubt it, but it may.

**Mr. M. Davidson:** Are all of these things taken into consideration?

**Mr. Wisocky:** This is a situation where the person, usually an older gentleman, says, "No, I have worked for X number of years; I am entitled to a good pension. I can retire early and that is my option." What we say under those circumstances is, "If that is your decision we will try to help you to get other benefits to which you may be entitled." We just make sure that person can exist on those finances, and if he can, that is a category we

use. That is a decision that is made entirely by the injured employee, not by us.

**Mr. M. Davidson:** So the individual himself determines that, not the board?

**Mr. Wisocky:** That's right.

**Mr. Di Santo:** Perhaps this brings us to a question that was raised by Mr. Van Horne. I would like to ask the minister about it because it is a problem I have raised in the Legislature—I introduced, as a matter of fact, a private member's bill—and that relates to Canada Pension Plan. The member for Sudbury East (Mr. Martel) also raised the same problem.

There are many cases of injured workers who, once they are injured, are unable to contribute towards the Canada Pension Plan. The reason is there is no provision for them, there is no mechanism. They don't work and therefore they are not allowed to contribute; they don't qualify.

The fact is that in many cases, as you know, if a person has not contributed for five years in the last 10 years he cannot qualify for a Canada Pension disability. That means, in effect, that the person on full disability or on permanent partial disability is excluded from the benefits to which he would otherwise have been entitled if he had not had an accident.

Don't you think it is a matter of human justice to remedy this area to allow them to have the benefits that other workers have and that they don't enjoy only because they had an accident?

**Hon. Mr. Elgie:** That is not within our legislative competence, is it? Isn't that under the Department of National Health and Welfare?

**Mr. Di Santo:** Not necessarily.

**Hon. Mr. Elgie:** Let's just clear that up first, I think it is, but you raise a good point.

**Mr. Di Santo:** The contributions—

**Hon. Mr. Elgie:** I understand what you are saying. That is not within our legislative capacity, but it is an issue and I think it is an important one.

**Mr. Di Santo:** It is within our legislative capacity and, in fact, there are many jurisdictions where they allow voluntary contributions in cases when the worker cannot contribute through the employer because he is not working.

**Hon. Mr. Elgie:** I just don't see how that would be within the provincial jurisdiction.

**Mr. Di Santo:** Not in Canada.

**Hon. Mr. Elgie:** Oh, I see, but within our constitutional setup that's a federal jurisdictional matter.

**Mr. Di Santo:** Yes, but nothing prevents the Workmen's Compensation Board from contributing towards the Canada Pension Plan on behalf of the injured party.

**Hon. Mr. Elgie:** I guess both the WCB and the Department of National Health and Welfare Act would have to have an amendment then. I'm glad you raised it, and I'll be glad to discuss that with my federal counterpart.

**Mr. Di Santo:** I think it's possible. As a matter of fact, I don't think the Department of National Health and Welfare Act should be amended.

**Hon. Mr. Elgie:** I have asked my assistant to make a note of it and I'll chat with the federal people.

**Mr. Di Santo:** I would also like to raise another issue that is of great concern to me and that is the fact that the Employment Standards Act, 1974, doesn't make any provisions for injured workmen who are on full compensation to prevent them from being dismissed by their employers. I think this is a fundamental right that is denied to the injured workers because of their accidents.

**Hon. Mr. Elgie:** Is that the Employment Standards Act or the Ontario Human Rights Code?

**Mr. Di Santo:** The Employment Standards Act.

**Mr. M. Davidson:** There is no provision.

**Mr. Di Santo:** There is no provision. I think we are faced with a situation that when a worker has an accident he can immediately be dismissed and he has no recourse whatsoever. I don't see why they should be penalized twice: once, because they have an accident, and again, because they lose their job. In fact, one of the reasons many workers cannot find a job when they are assessed for permanent disability is because the former employer refuses to take them back.

**Mr. Wildman:** It's especially true in firms that are not unionized.

**Mr. M. Davidson:** You run into it quite often, Mr. Chairman.

**Hon. Mr. Elgie:** I'll take a look at it.

**Mr. M. Davidson:** Mr. Chairman, I think my colleagues have agreed to one more question before we move on to claims. I would ask Mr. Eakins if he has anything on the main administration?

**Mr. Eakins:** Not at this time.

**Mr. Di Santo:** I have one more question, Mr. Chairman.

**Mr. Chairman:** We have Mr. Lupusella on the list next. I don't know if his question is on main administration.

**Mr. Di Santo:** Main administration, yes. In your report you mentioned the ethnic relations section in your communications division. We discussed this issue last year mainly because of some interference of the co-ordinator, political interference, but I'd like to bring to the attention of the committee that I still don't understand the role of the ethnic relations section of the Workmen's Compensation Board.

We have innumerable cases of injured workers who are asked by the people in this section to go to them if they have problems, which, if I understand the job description, is not within their responsibilities. Once they go to them, they are referred to the claims branch, and also there are occasions where they make statements and remarks and give suggestions, for instance, not to go to the MPPs, especially the NDP MPPs. I don't understand why since I think we are the most active in representing the injured workers.

I also think that whole section is nothing but propaganda, and not very intelligent. In fact, you produce a bulletin, if I can call it a bulletin—

**Hon. Mr. Starr:** It is four pages; let us call it a bulletin.  
10 p.m.

**Mr. Di Santo:** It has a section which always repeats the same information and which supposedly should be circulated and distributed to 800 outlets. I have a complaint from the principal of a school who told me the co-ordinator brought a bunch of bulletins and gave them to the kids and told them to take them home. I would like you to tell us the function of this section. I'd like assurance that it is not a waste of money to pay \$30,000 for a job that—quite frankly, I don't understand it and the workers don't understand it—seems to be only a bad propaganda machine.

These people go to the Italian radio and tell the workers how wonderful the Workmen's Compensation Board is, what a good system it is and every problem can be solved "as long as you come to us." Of course they go to them and they are told they can appeal, which is what the workers already know. I would like to ask if you think this money is well spent or if perhaps it could be spent in a more useful way for the injured workers.

**Hon. Mr. Starr:** I think quite a few people are making the point that we should probably convey more of our information in the language of the people we have to deal with. This is one of the things we are doing. We are trying to tell people of Italian origin in their own language what their rights are under the act, what the act stands for, what services are being provided.

I am rather surprised you would not think it a good thing. We use the radio in much the same way as we use the radio, television and other forms of media in the English language to tell the people what their rights are under the act. A right is not a right until the people know what that right is. I realize that Mr. Di Santo and Mr. Lupusella probably convey these rights to the people who come in contact with them, and so do others. I used to do it when I was a member of Parliament.

We have the means of doing a mass communication, rather than being limited to the individuals who come in with a particular case. We want to do this through the other means. We will probably be launching a program similar to this in another language—I am thinking of Portuguese. There is a necessity to do that sort of thing.

**Mr. M. Davidson:** I hope it is distributed much farther than this. It seldom reaches Cambridge.

**Hon. Mr. Starr:** Doesn't that one?

**Mr. M. Davidson:** No, it doesn't.

**Hon. Mr. Starr:** There are people of Italian origin?

**Mr. M. Davidson:** Oh yes, there are.

**Hon. Mr. Starr:** I will see that is distributed.

That is the only logical explanation, Consequently, as a result of that as you suggested, I wish we could print forms in other languages, and that the other media we use for communications be printed in various languages. We are trying to do that. Mr. Wildman brought up the French aspect—

**Mr. Wildman:** In that regard, am I going to get the forms that are produced in French? I asked for them.

**Hon. Mr. Starr:** Yes, you will.

**Mr. Wildman:** Okay, fine.

**Hon. Mr. Starr:** I do not know if we are going the right way. Or should we withdraw these things and just print them in English and French? We use the media in Italian; it is only a normal, natural thing for us to do. When we use radio why should we not use the Italian media?



**Mr. Di Santo:** My point is not that you should not use the media—any kind of media, including the print media. What I am saying is that this is a useless piece of paper. I recognize, of course, that you are photographic, and of course your picture is on it.

**Hon. Mr. Starr:** My picture appears too much. Whenever I see it I yank it out. The space could be filled a little more usefully with something else.

**Mr. Di Santo:** What I am saying is, one finds the same information in every booklet that you put out.

**Hon. Mr. Starr:** Is my picture in that issue?

**Mr. Di Santo:** It is, on the first page.

**Hon. Mr. Starr:** Oh, just to introduce the thing, right.

**Mr. Di Santo:** It is a very beautiful picture.

**Hon. Mr. Starr:** They will probably have another one saying that I am out of the picture now.

**Mr. Di Santo:** The information that you have repeated time and time again in this bulletin is printed in every leaflet that the injured worker receives when he goes beyond the claims adjudication branch. I think this is a waste of money. I understand you cannot be responsible for the quality of the broadcasts, apart from when there is a direct attack on the members of the Legislature. I believe it was to the minister with a letter from—

**Hon. Mr. Starr:** Do you mean in these pamphlets or is it directed—

**Mr. Di Santo:** No, no, no. Just a minute. I am saying this is a waste of money and also the whole ethnic relations section is a waste of money. If you cannot judge the quality of the broadcasts these people get, I think once a week or once in—

**Hon. Mr. Starr:** Mr. Di Santo, I don't understand it. I receive letters from individuals of the Italian population complementing us on the wonderful thing we are doing in this pamphlet. They say they listen to the information on the radio and have been able to learn more than they have ever known about workmen's compensation before. I just don't understand; this is the first time I have heard any real criticism.

**Mr. Di Santo:** I am bringing to you my concerns and the concerns of many people—

**Hon. Mr. Starr:** I have not heard from them, Mr. Di Santo.

**Mr. Di Santo:** Okay, obviously we are from different constituencies.

**Hon. Mr. Starr:** I haven't got the same imagination.

**Mr. Di Santo:** We represent the injured workers, and maybe the people who write to you are in other constituencies and who are fascinated by—

**Hon. Mr. Starr:** I do more business in Toronto than I do anywhere else.

**Mr. Di Santo:** What I am saying is that you may not be able to judge it by yourself because of the language problem. But I can say this bulletin is a waste of time and a waste of money too—\$2,500 for every issue. And the programs on the radio are a waste of time, even when they don't attack us directly, as has happened sometimes in the past.

Quite frankly, from a selfish point of view if we were looking after our political interests we should not be going into this type of thing, because it creates a reaction among the injured workers and they get really upset. Quite honestly, I think this program should be scrapped.

**Hon. Mr. Starr:** And we were thinking of doubling it.

**Mr. M. Davidson:** You mean in its present form?

10:10 p.m.

**Mr. Lupusella:** Mr. Chairman, if I may pursue the same principle, maybe I can get into specifics. It is a system that can be improved. I am sure there is room for improvement and, eventually, change.

If you go through the contents of each item on this bulletin, you will find—and I share your opinion in some ways that the workers should be aware about their rights, I greatly support this principle and that is how this bulletin should be utilized.

I did not have an opportunity to read all of the bulletins which have been printed since the inception of the bulletin per se, but taking a look at November 1979, as a concrete example, I want to read a short paragraph of the item on the appeals system. Then you can tell me if this bulletin is attending to the rights of injured workers or is it something else which should be improved.

"Appeals system: The number of cases which have been appealed increased in 1978 by 20 per cent. The waiting period has been reduced with the introduction of certain procedures which are facilitating and speeding up the process. At this point in time the

appeals can be introduced directly to the board on the appeals system and, on doing so, we can reduce the waiting period. The new system is going to reduce by three months the appeal system. In 1977, the waiting period was just one month."

That is what it says about the appeals system and nothing else.

**Hon. Mr. Starr:** It gives some statistics.

**Mr. Lupusella:** Yes, it gives statistical data. But I go back to the principle which you raised that the intention of this bulletin is to emphasize the rights of injured workers. In my opinion, this bulletin does not comply with the principle which has been emphasized by you. If you want to improve the system, and you would like to explain the procedure to get into the appeals system and how the appeals system should be carried out, then I can concur with such a principle. But to give just statistical data is only a means of propaganda for the board and nothing else. In that sense, I think the function of this bulletin is becoming useless.

**Hon. Mr. Starr:** Mr. Cameron, who is acting director of this communication, is here with us this evening. He is taking in everything you are saying, sir.

**Mr. Lupusella:** This is just an example, but the line is common from beginning to end.

**Hon. Mr. Starr:** I agree with you. It is a good suggestion, but we should not cut it all out.

**Mr. Lupusella:** No, but I am saying that it is propaganda. If you want to write precise statistical data that is fine.

**Hon. Mr. Starr:** That is fine, but should we not have the opportunity of saying once in a while that we have a pretty good Workmen's Compensation Board?

**Mr. Lupusella:** No, that is fine. I have nothing against that. You can emphasize the statistical data. I might disagree with the spirit of certain procedures of the board, and we are living in a democratic process so we can disagree from time to time, or most of the time.

**Hon. Mr. Elgie:** Let me know the day you are not going to let me disagree.

**Mr. Lupusella:** If you are concerned about the principle which has been emphasized by you previously I guess the content and the attitude should be changed.

**Mr. Wildman:** I have some matters which can raise under the specific items, such as the matter of claims, if you would put me in at the beginning of claims. I would say,

though, that since there are no Tories or Liberals present, I am prepared to ask a couple of Tory questions if you like—

Interjections.

**Mr. Wildman:** —such as the tremendously high levies placed on the companies. I think the minister should look at that. This is the kind of thing which I am sure a Tory would like to ask if he were here. Anyway, I will pass.

**Hon. Mr. Elgie:** Are you part of the sub-committee or the main committee? I cannot recall.

**Mr. M. Davidson:** He is one of us.

**Mr. Chairman:** Carry on.

**Mr. M. Davidson:** Thank you, Mr. Chairman. I have really only one question and I believe it deals with main administration. It is something that is of concern to us, and I am sure it is of concern to yourselves.

In the supplementary report that was given to us, the fifth paragraph on page five reads: "The division initiated implementation of 'Project Access,' which will allow board clients to telephone their nearest WCB office," and so on. "As part of a continuing program to improve safety measures in the hospital, handrails were installed in halls and non-skid floors in shower areas for greater patient safety."

That is fine. I would like to compliment the board on seeing that safety measures in the hospital particularly are of chief concern to them. I am sure that, in addition to what has already been done, there are other matters being contemplated. But I refer specifically to access to the Workmen's Compensation Board, 2 Bloor Street East. Most of you are no doubt aware of the mayor's task force report regarding the disabled and the elderly. Out of that comes a section of the report which is not printed in the report as such, but is part of the considerations which I understand are now being studied by the board on a contract basis. I understand the report is going to be handed down some time in June.

I would like to read into the record, if I may: "2 Bloor Street East: Accessibility for physically handicapped people.

"The commercial-residential complex located at 2 Bloor Street East has included some features to allow accessibility for physically handicapped, but the complex cannot easily be used by people in wheelchairs or with mobility problems. In addition, further development is proposed for the site. This is to include a hotel, a health club," and it goes on to explain what they are

going to do with it. "The proposed use of this site means that a population which has a high incidence of mobility problems is being attracted to the area without providing adequate amenities for that population.

"Parking: The multi-level parking facility consists of seven levels. There are no specially designated 12-foot spaces. At all levels there are obstructing steps leading to the elevators, making them totally nonfunctional for people in wheelchairs. P3 level is the only one from which there is a direct access from the parking lot to the Hudson Bay store. There is an eight-inch step obstructing access, but this could be overcome by a curb cut. Designated 12-foot wide spaces could be located on P3"—and it goes on to explain how all of this could be changed. "Ideally all levels should ramp the eight-inch curb. The doors leading from the parking area are heavy and need to be of a balanced type. There should be a glass panel to prevent pedestrian collision. Handles should be of the lower level type. There is an elevator from the parking area into the hotel which is accessible, but the only access to the Bay from the hotel is down four steps.

"Entrance from exterior points: The only accessible entrance not requiring going up or down a flight of steps is located at the north end of the building on Yonge Street. This allows access to both the Bay store and the tower. There is a standard steel fire door leading to a 40-foot ramp with a gradient of steeper than 1:7. This is much too steep for a wheelchair to negotiate safely. The Ontario Building Code requires that ramps have a gradient of no greater than 1:12. A corridor of 126 feet leading to the Hudson Bay store is used for storage of garbage, ladders and unused signs. One gets the feeling that physically handicapped people are being discouraged from shopping in this complex. There needs to be a new access entrance leading more directly into the store, without stairs, and either lifts or ramps are acceptable substitutes."

10:20 p.m.

It is my understanding that the board has contracted a person to look into this problem. But I also understand that there is a problem between the board and the Fidnam Corporation, which apparently is not prepared to make any of the necessary changes required. I am wondering what you, as a board, or you, Mr. Minister, intend to do about this, given the location of your offices within that building. Given the difficulty that has been readily identified—my understanding

is, and I may be wrong, you can correct me if I am wrong, that the board has, in fact, contracted a person to carry out this study—and given the fact that the owners from whom you rent the premises have indicated not only now but in the past, and probably will continue to indicate, that they simply refuse to comply with any changes that may be required, how are you going to alleviate this problem for the injured workers who require the kind of access that is described in that document?

**Hon. Mr. Starr:** Mr. Vic Sweeney can respond to that.

**Mr. Sweeney:** There is a study under way. I am not aware of any refusal by the owners of the building to participate. Once we have the report in hand, once it is received, my division will be talking to Fidnam Corporation to see what we can do to correct the deficiencies.

**Hon. Mr. Starr:** There have been no discussions.

**Mr. Sweeney:** I have had no discussions. The report is not in, so I do not know how they could refuse until the report has been completed.

**Mr. M. Davidson:** There have been requests made before by various other people.

**Hon. Mr. Starr:** What is the document you are reading from?

**Mr. M. Davidson:** That is a document that comes out of the mayor's task force report regarding the disabled and elderly.

Interjection.

**Hon. Mr. Elgie:** You have not had any conversations with Fidnam?

**Mr. M. Davidson:** No.

**Hon. Mr. Elgie:** Does that talk about conversations with Fidnam?

**Mr. M. Davidson:** No. This is information I have gathered over the telephone.

**Hon. Mr. Starr:** But you said earlier that your information was that Fidnam Corporation would not agree with us.

**Mr. M. Davidson:** That is right. That is information I have received.

**Mr. MacDonald:** We have not had any discussions.

**Mr. M. Davidson:** I understand that. What I am saying is that Fidnam Corporation has refused to comply with any changes based on discussions it has held with other people—I am not saying with you, but with other people in the complex. I want to know what you as a board, or a ministry, given that



Fidnam Corporation may continue to refuse, are prepared to do in the event that Fidnam Corporation refuses to put into effect the necessary changes?

**Hon. Mr. Starr:** Hypothetically.

**Mr. M. Davidson:** It might be hypothetical but it is damned important.

**Hon. Mr. Starr:** We will deal with it when the time comes.

**Mr. M. Davidson:** My question then, hypothetical or otherwise, is this: If Fidnam says, "no," what action are you prepared to take?

**Hon. Mr. Starr:** The board will have to take that into consideration.

**Mr. M. Davidson:** Why was that consideration not given at the time the board decided to locate its offices in that building? Why was that not taken into consideration, given the types of people with whom you are dealing, and given the understanding that a great number of the persons who have to get access to that building are either physically incapable of getting up there or are in wheelchairs? Why was that not given consideration?

**Hon. Mr. Starr:** I was not there to make that decision at that time.

**Mr. M. Davidson:** I am not casting blame on anyone. I am asking a question.

**Hon. Mr. Starr:** I cannot answer.

**Hon. Mr. Elgie:** I think the board has already told you that it is going to deal with it—

**Mr. M. Davidson:** I understand that.

**Hon. Mr. Elgie:**—should that hypothetical situation arise.

**Mr. M. Davidson:** Given the fact that we are dealing with injured workers, who in many cases do not have the physical abilities to get into this kind of building, surely to God whoever made that decision understood that. What I am asking is, why was that location chosen, given the limited access?

**Mr. MacDonald:** I was part of the management at the time and therefore I think I should respond. If we look at the clientele of the board, the number of people who come in wheelchairs is infinitesimal really. There was access provided in those cases.

**Mr. M. Davidson:** Even if it is only one—

**Mr. MacDonald:** I don't ever recall a complaint from an individual who came to the board offices saying he had a problem getting in—not one.

**Mr. M. Davidson:** I'll give you one.

**Mr. MacDonald:** We are concerned about that has happened to that building since

we moved into it. Various things have been added to it and there is a greater density of traffic, which is referred to in the report you are talking about. It is making a difference. If there is a problem, I can assure you we will do something about it, but I wouldn't want you to think we didn't have a look at it before we went in there. I would say it is one time in 1,000 that we have somebody come in a wheelchair.

**Mr. M. Davidson:** Surely, Mr. MacDonald, you understand that your offices are on the higher access levels of that building. If you want to get to the board it requires a great deal of manoeuvrability even to walk up the steps, get on the elevator and go up. A person who is physically unable to do all of these things is required to go into the parking areas and all that.

Surely that must have been given some consideration before a decision was made on the location of the board's offices. If it wasn't, I think whoever made that decision—and I can't blame anybody because I don't know who made it—whoever was responsible for that decision made one hell of a big mistake, one hell of a big mistake. You say there aren't that many. It doesn't matter if it's only one person. It is the responsibility of the board to deal with the injured workers of this province.

**Mr. Sweeney:** If I may make one comment, first of all, the gradient you were talking about met the requirements at the time the building was originally constructed. The intention was that injured workers in that condition would be let off or discharged outside that door before their drivers attempted to park. We have attendants on the main floor whose job it is to assist them to get into the building, whether they be in wheelchairs or on crutches, and whether it be up the stairs or via the ramp.

**Mr. M. Davidson:** Do you think that's sound reasoning? Do you agree that's sound reasoning?

**Mr. Sweeney:** I don't see anything wrong with it.

**Mr. Wildman:** Don't you think it's kind of dangerous to be lifting a wheelchair up and down stairs?

**Mr. Sweeney:** We didn't say "up and down stairs," there's a ramp there.

**Mr. M. Davidson:** But at that gradient?

**Mr. Sweeney:** As long as somebody is pushing him up, the injured worker is not the one required to expend the energy.

**Mr. M. Davidson:** How do you know that?

**Mr. Sweeney:** Because he can get assistance.

**Mr. Bounsall:** I have a couple of questions along this line.

**Mr. Chairman:** We have only a few minutes left.

**Mr. Bounsall:** I can get them out. The next logical question is how does one attract the attention of the attendants? I am not sure that's adequately taken care of.

As a general principle, if Fidinam says it will not bear any of the expense of any renovation that may be suggested, is the board prepared to bear the full cost of that renovation itself? That's one question.

The second one is a bit more hypothetical. If Fidinam says not only will it not bear the cost but that it does not want the appearance of its building changed by whatever it is you are proposing—it would almost have to be an outside facility—what recourse do you have under the law to see that you get the changes you need?

**Hon. Mr. Starr:** My term ends on Saturday and I am not prepared to answer.

**Mr. M. Davidson:** We are so relieved, Michael.

**Mr. Bounsall:** We expect to be reading your memoirs shortly.

**Mr. Chairman:** Do you have an answer for Mr. Bounsall, sir?

**Mr. Sweeney:** Again, it is hypothetical. You may rest assured that whatever recommendations come through from this study—and we hope the recommendations will give us solutions to the problems—we will try to put them in such a context that we and Fidinam can work together. The Bay will probably wish to participate in this, since it also has an interest in it. We trust that all the parties will work together to find a solution. We are not calling for the study just to have a study and then put it in a drawer. If there is a problem, based on today's needs, it will be met.

**Mr. Bounsall:** Who answers for the board's expenditures then? If the other parties involved say they will not bear any of the cost—they will let you do it but they won't bear any of the cost—is the board prepared to bear the cost?

**Mr. MacDonald:** That is hypothetical.

**Mr. Bounsall:** I don't want to weaken your bargaining position.

**Mr. Chairman:** Gentlemen, it is 10:30. We will adjourn the meeting and meet again on June 10 at 8 p.m. Thank you very much.

The committee adjourned at 10:30 p.m.

## SPEAKERS IN THIS ISSUE

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ounsall, E. J. (Windsor-Sandwich NDP)

avidson, M. (Cambridge NDP)

i Santo, O. (Downsview NDP)

akins, J. (Victoria-Haliburton L)

lgie, Hon. R.; Minister of Labour (York East PC)

ane, J.; Chairman (Algoma-Manitoulin PC)

apusella, A. (Dovercourt NDP)

an Horne, R. (London North L)

ildman, B. (Algoma NDP)

### **From the Workmen's Compensation Board:**

MacDonald, A. G., Vice-chairman, Administration

McCracken, Dr. W. J., Executive Director, Medical Services Division

Pearce, W. D., Rehabilitation specialist, Vocational Rehabilitation Services Division

Barr, Hon. M., Chairman

Veeneey, V. G., Executive Director, Medical Services Division

Isocky, J., Executive Director, Vocational Rehabilitation Services Division





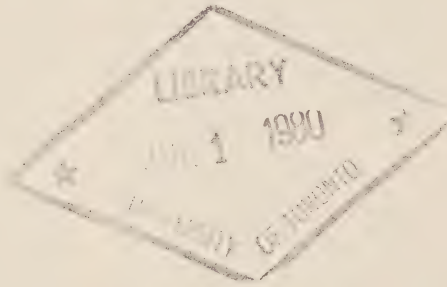


No. R-24

# Legislature of Ontario Debates

## Official Report (Hansard)

**Standing Committee on Resources Development**  
Estimates, Ministry of the Environment



**Fourth Session, 31st Parliament**  
Tuesday, June 3, 1980

Speaker: Honourable John E. Stokes  
Clerk: Roderick Lewis, QC

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# LEGISLATURE OF ONTARIO

## STANDING COMMITTEE ON RESOURCES DEVELOPMENT

TUESDAY, JUNE 3, 1980

The committee met at 8:08 p.m. in committee room No. 2.

### ESTIMATES, MINISTRY OF THE ENVIRONMENT

(continued)

On vote 2102, environmental assessment and planning program; item 1, program administration activity:

**Mr. Chairman:** The meeting will come to order. Perhaps the deputy minister would like to introduce some people here.

**Mr. Scott:** Thank you, Mr. Chairman. For a film night on estimates, we unfortunately could get only the cuts from *The Tin Drum* so we are unable to show it.

We have Dr. Walter A. Lyons, who is president of Mesomet Incorporated. He has also had extensive experience in interpreting weather developments for television. He has a doctorate from the University of Chicago in geophysical sciences. He has worked extensively with the Environmental Protection Agency on the problems of the transportation of air pollution.

The significance of the film tonight is that it is one of the first major attempts to work with the satellite study of weather in an effort to interpret it in so far as transportation of air pollutants is concerned. I do not think you can be expected to draw too many in-depth scientific conclusions from the material you are about to see, but it does give us some general idea of the nature of the problem and the movement of a number of these patterns. Perhaps the most useful thing we can do at this stage is to have Dr. Lyons proceed to present the film, along with the presentation that goes with it.

Following that, you may wish to ask him some questions about the system, about the techniques and about its future application. We feel very strongly that it is an interesting new area that should lend very much to the kind of concerns we have about transboundary and, indeed, the whole patterns of the movement of air pollution. With additional development, I hope this will become

a major tool in trying to devise appropriate abatement schemes and other methods to deal with the problems of transboundary air pollution, not only as it relates to our main concern at the moment, acid rain, but to other concerns such as CO<sub>2</sub>, ozone, et cetera.

**Dr. Lyons:** There is an interesting background to this movie. I became interested in long-range pollution transport in 1972 while serving on the faculty at the University of Wisconsin, where we were working on various research projects with the US Environmental Protection Agency studying what was then considered long-range transport of pollution from Chicago to Milwaukee, which is approximately 75 miles.

We became involved with satellite sensing through the US Landsat program and there was considerable Canadian interest in the use of that material. We found ourselves jumping to another scale of remote sensing using spacecraft by the middle of the 1970s. As you will see in the upcoming movie, we found during certain periods of the summer we could not see the ground. It was as simple as that.

I am the soundtrack for the movie. I will now begin the projection of the movie. It goes quite quickly so I apologize if I do inadvertently go fast and neglect to define a few terms. I will try to leave technical terms out to the extent that it is possible but the pictures are indeed worth a thousand of my words.

What we are trying to show with this film is an overview of the scale and the dimension of the problem of long-range pollution transport and the episodes which can occur. This movie, incidentally, was originally produced in the spring of 1979, essentially as a research paper and report to an assemblage of scientists at Durham, North Carolina.

We were at that time preparing the first tentative outline for a large-scale field program to measure long-range transport and transmission of pollutants. That program is called the PEPE program. It stands for Persistent Elevated Pollution Episodes. It will begin in the United States in July 1980, and

we are certainly pleased that there is going to be considerable Canadian interaction with it because, as we all have come to realize, the border is nonexistent when it comes to the atmosphere. With that preamble, I will begin.

This is the conventional satellite imagery of the east coast of the United States and Canada. The movie is entitled, Satellite Observations of Persistent Elevated Pollution Episodes:

For those who do not look at satellite pictures daily, and I hope this pointer works, these large, very bright areas are water clouds, thunderstorms. Note this hazy area here which seems to be milky white. That is, in fact, haze, air pollution. There are some words of preface which are actually prepared for the Environmental Protection Agency document but the 1977 amendments to the US Clean Air Act did require that the states begin to look at transboundary pollution transport. It did not necessarily provide the answer on how this was going to be done, but at least it began these types of studies in greater earnestness in the United States quite a long lag after the European experience.

This is White Face Mountain in New York state on August 26, 1976. It was a beautiful day. Visibility was more than 50 miles. This is the exact same location two days later. What had happened? It was simply a change in wind trajectory from the northwest to the southwest. As to the emission inventory in the northeastern quarter of the United States, people tend to blame the Ohio River valley but actually it is a much wider emission area. There are numerous tall-stack point sources, mostly from the burning of fossil fuels.

In the original Clean Air Act of 1967-70, the focus was on such pollutants as particulates and sulphur dioxide within the first five, 10 or 15 kilometres of an individual point source. But the further we looked downwind the more we found. By the mid-1970s, a number of field programs began to study the longer range transport and transformation of plumes from point sources. One of these was the MIST program—Midwest Interstate Transport and Transformation Program—centred in St. Louis.

One plume from a power plant north of St. Louis was tracked with an aircraft all the way into southern Minnesota, a distance of almost 500 kilometres. It travelled in calm, night-time air. The air was completely cohesive all the way. Of course, that one plume was surrounded by many other smaller

sources of various types—you rarely get an individual plume acting all by itself. You have, essentially, urban scale plumes which are an assemblage of many plumes with many different types of chemicals being released. But the St. Louis urban plume, for instance, on this day was blowing from the southwest to the northeast, towards Chicago.

There are secondary pollutants that become more important the farther downwind you go, such as photochemical oxidants or ozone. Initially, the amount coming out of St. Louis may be actually depleted due to fresh automobile exhaust. But if you go another 50, 100 or 150 kilometres downwind, photochemical oxidation in the presence of strong sunlight raises the ozone level so that a new higher background level, or apparent background air mass level, drifts into Chicago. Then Chicago begins the process over and over again. That is one secondary pollutant.

Another secondary pollutant, which until only the last several years had been given very little consideration, was aerosols. The aerosols result usually from the conversion, in the presence of sunlight and warm humid air masses, of gaseous pollutants into particulates. Going through a city you might initially pick up, as this green band indicates, some fresh aerosols directly emitted as soot, dirt or whatever. But farther downwind, more and more aerosols occur because of this gaseous transformation. Gases become particulates.

St. Louis does not exist by itself, nor does Chicago, nor does any city in eastern North America. They are all part of a giant airshed. In the summer, very much like the situation we have present now—a stagnant, Bermuda type of high pressure system—will slowly circulate the air through this area, and the numerous urban plumes and other sources combine and congeal into one large polluted air mass. These have been given various names: pepe, as we mentioned; blobs, hazy blobs, which may not sound very scientific but it seems to be a pretty apt description.

This is a computer simulation of what we see in a typical episode, but there are other ways of looking at it. One of the best studies occurred in 1976. This is a view of Chicago during that episode, and it is not local Chicago pollutants which are causing the reduction of visibility, being only three or four miles. This type of condition prevailed over many states.

So we went back to the original satellite imagery and said, "Can we actually see this thick, milky white haze?" The answer was yes. There were also other types of data. This

is a sequence going from August 17 to 28. These orange areas superimposed over the weather map are reports of visibility of less than five miles.

For the first several days not too much happens, although you can see some hazy air drifting up the Mississippi River valley. But suddenly by August 21 this entire area has cooked, so to speak, and blooms and is now joined by areas of less than three miles visibility as shown in red. You can see, in the latter portions of this episode, which is a very typical one, that the extent of the episode is from Louisiana north through Lake Superior into Ontario and then eastwards into Quebec and, of course, over much of New York state, New England and the middle Atlantic states. It finally took a strong Pacific cold front coming through to cleanse the air mass and push it out to sea, which did not incidentally mean it disappeared; it was just no longer visible over land.

We have superimposed hazy areas that we could on the satellite imagery. You cannot take the straight satellite imagery. You have to do some enhancement with it, but it is a relatively straightforward process. We determined that the haziness we could see on these specially enhanced satellite pictures corresponded to a visibility of about six miles or less. This is relatively hazy air, approximately what we have today.

### 8:20 p.m.

You can see how the extent of this has changed, how it is moved and finally what it takes to get rid of it, namely a total cleansing of the air mass on a subcontinental scale by a cold front pushing in from the Pacific and western Canada. You might also note that this episode extended well into Canada, into the Maritimes, and has been associated with several notable acid rain events in that area.

To make a correlation between what we see on the satellite and the visibility, there were some scattered reports of sulphates on the last day of the episode. We found values of 30, 40 or 50 micrograms per cubic metre of sulphate aerosol alone, which is a very high value. It is approaching a significant fraction of the primary air quality standard in the United States. So we are not dealing with trivial amounts of pollution at all.

What do we really see with a satellite? First of all, there are many types of satellites. The one we are discussing is the geosynchronous satellite, which is one that stands 22,000 miles above the globe, rotates at the same speed as the earth and therefore appears to be stationary over one spot, and can take a picture of the entire hemisphere

every 30 minutes, allowing us to make, in this case, animations of the earth's weather.

The satellite pictured here is part of a global network that will eventually have five satellites. Two of them serve North America; one is the GOES east and the other is the GOES west. The European satellite had been in operation although it has failed recently, but it is hoped that it will be replaced shortly. GOES, incidentally, stands for Geosynchronous Operational Environmental Satellite, and with a mouthful like that, you can see why we prefer the acronym.

In any case, the resolution is as low as one kilometre. It works both in the visible and the heat-seeking infrared, produces a picture of the hemisphere every 30 minutes and produces a volume of data so staggering that it duplicates the information content of the Library of Congress every 10 days. You can reduce that by going to hard-copy imagery such as you just saw in a typical satellite receiver.

There are other ways to handle satellite data, although this is not necessarily real time. We go back to the film archives and they have actually prepared a sequential animation, in this case thunderstorm clouds developing over Oklahoma, Kansas, Missouri and Arkansas. By adding motion, instead of a static picture which is sort of a meaningless white blob—sometimes even to the meteorologist—we can begin to see the dynamics, how the air moves, its three-dimensionality, in fact its four-dimensionality, time being that very important fourth dimension. By looking at how the atmosphere behaves, we can begin to see that animation is not just a frill; it can be a very important diagnostic tool. If we can see it with our eyes, we should be able to see it with this satellite system if it is a large enough feature.

Every fall it is almost a tradition for Los Angeles to try to burn itself down with forest fires. In this case, we could clearly see the plumes of smoke coming from the San Gabriel Mountains, drifting several hundred kilometres into the Pacific with relatively little dilution. By old standards, that was long-range transport; by today, I think we would almost have to call that medium-range transport.

That was a very bright target, very dense smoke. The satellite really was not designed to see the fainter, hazy type of air masses; it was designed to see very-high-contrast bright clouds. But once you have it in digital form, you can play some tricks on the computer.



Here is the Florida peninsula, and notice this band of haze across the state. By enhancing it, by telling the computer to bring this out, we suddenly see this very intense band of haze which apparently, incidentally, originated in the Ohio valley several days before. The air was thick enough there that solar heating, late in the afternoon, was suppressed so that thunderstorms formed north and south of that area but not in it. This is a good example of weather modification due to large scale air pollution episodes.

This is another event in 1977: some clean air from Canada—we thank you for that—slid southwards over the northeast and then there was a clean high-pressure system, if you will, and a polluted high-pressure system with this front now not being so much a cold front but haze front. In other words, we can see it.

We can also see it in real time and make measurements with a system that has been called Macidas, Man Computer Interactive Data Access System. This is the antenna that is looking directly at the satellite and can receive this enormous stream of meteorological information in real time. It processes it through an entire array of computers, discs and various and sundry devices. It is mostly software though—software developed by the University of Wisconsin under National Aeronautics and Space Administration support—to deal with real time satellite meteorological data, to allow an operator to interact with the system, to pull data out, to enhance satellite imagery and to find out what is going on as it goes on. It has been used for many applications, but this is the first time people have really looked at man-made air pollution on this large, semi-continental scale.

In 1976 we received some seed money funding from the Environmental Protection Agency to do several case studies on Macidas. This is an actual photograph of the scope of the east coast of the United States. You might have a little trouble locating where you are, so we will ask the computer to tell us that it is 20:30 Greenwich time, mid-afternoon, and please give us the geography. It will simply draw in where we are, starting with the coast of the eastern United States. There is Long Island, New England, Lake Ontario, Lake Erie, and so forth.

This is what we can do, day and night; sit at a console and zoom in on portions of the world and start making observations. What is that milky-white haze? We very strongly suspect, in fact we know at this time, that it was air pollution. We have asked the cursor

to go into the computer's memory and measure how much light is being reflected back into space from this hazy area over what should normally be a dark water surface. It has 70 or 80 digital brightness counts; that is on a scale from one to 256. That does not mean too much until you go south of that smog front, if you wish to call it that, into the water area where there is apparently clean air with visibility much above 15 miles. We see that the amount of light being reflected back to space is only 40 units.

Thus, in these polluted air masses we are getting a signature of almost twice, a clear indication that we are dealing with a phenomenon that is measurable, quantifiable, widespread and significant in terms of the way it affects the earth's radiation budget.

What is this haze? This summer, with the PEPE program, we are going to try to get a much better idea of the chemical characteristics. We know it is rich in sulphate, in ozone and many other secondary pollutants. We want to see what it is, correlate what we see on the satellite, and see how it moves.

Our staff at the University of Wisconsin will spend each day talking to the computer, asking what is the temperature right now at nine o'clock in the morning. It is a relatively cool day, in this example, with temperatures around 15 Celsius. Let us ask the computer to plot out, in real time, what the surface wind trajectories are. Where is the air coming from and going to? The hours appear and we can see that apparently a high-pressure system is stalled in southern Wisconsin, reaching down through the Ohio valley, picking up polluted air there, whirling it back through western Wisconsin, Minnesota and—it doesn't know the border is there—across into Canada.

To make a few double checks, we asked it to look at the 5,000-foot windfields at the top of the earth's boundary layer—the top of the polluted layer, if you will. We can see that, yes indeed, there is a strong flow from Wisconsin and Minnesota across lakes Superior and Huron, into Ontario and the rest of eastern Canada.

Let us check the visibilities. We can see the ground clearly near Marquette—we can see 15 miles visibility, and within this hazy area only three of five miles visibility. In the next several hours we can actually see that haze front move across Lake Superior into Thunder Bay and areas of that type.

Another episode—this is June 30, 1975, one of the better episodes in its documentation. These are visibility contours, five miles, three miles, and down as low as two miles visibility, not due to fog or rain but just due to haze.

The next numbers that have appeared there are sulphate values which are highly elevated inside the low visibility air. Some of these sulphates are very rich in acid; they may be sulphuric acid mist. There is also a fairly strong correlation with ozone, which is becoming increasingly worrisome in the United States and, I suspect, particularly in southern Ontario. Values of 80 parts per billion peak measured during the afternoon were sort of widespread, but when you got up to 160 parts per billion, which is getting quite high, those tended, definitely, to be concentrated in the same area of pollution.

The point is that when you are flying in an aircraft and you cannot see the ground, or when you are in a satellite and the ground is not visible, you are dealing with a complex chemical soup that consists largely of sulphate aerosols, sulphuric acid mist, very rich in ozone, plus other secondary chemicals that we probably do not even know yet. These become, effectively, the raw material for acid rain events. In other words, they become injected into the clouds and become involved in the precipitation mechanism.

Going back to June 30, 1975, we are going to animate the weather. Again we are using the satellite imagery and you can see the flow coming out of the Ohio valley and note its front east to west. Forget what the textbooks say; the air goes any way it wants. It comes out of the Ohio valley, reaches its peak in the south-central plains, goes as far west as central Oklahoma, then turns rapidly northwards into Minnesota, gets involved in thunderstorms around the boundary area, then northwards.

8:30 p.m.

You also see some other interesting features. Look here in Missouri at this area of apparently cleaner air drifting southwestwards, if I can point it out. This apparently is an area that had been scavenged, as we say, of its aerosols by previous thunderstorms. That material in the air had been washed out and had fallen to the ground in an acid rain event, probably over the southern Ohio valley. All those large white areas are thunderstorms which are ingesting the precipitation, converting it into an acid rain event and dropping it to the ground.

We go north into Minnesota where you can see very clearly how this polluted air is streaming northwards into the state—this incidentally was the highest ozone value ever measured up here—into these huge thunderstorms over northern Minnesota. Some of them produced as much as 18 inches of rain, but did not get deposited out as an acid

rain event in the boundary waters area. They slipped across the border into Canada and could have travelled several thousand miles farther east if they had not got involved in a thunderstorm system or other rain system.

There are no boundaries; there are no borders. The pollution goes where it will when it wants to. It can transport itself thousands of miles or only several hundred miles, depending on whether it becomes involved in rain systems.

The economic impact of this is very difficult to say. There are inklings now. For instance, some ongoing research at the University of Minnesota studied soybeans, an important cash crop of the United States, virtually tied now for number one. When you have a sulphate episode in progress some people say, "Well, in certain areas, don't worry. The sulphur is good for the soil. The farmers don't have to apply it."

But you may have also very high values of oxidants, ozone, occurring at the same time. It has been found that certain varieties of soybeans in the upper midwest are highly sensitive to ozone. If you have one, two or three afternoons of values of around 100 parts per billion, which are totally typical of what can be received around the Great Lakes, even with that visible damage to the plant, you might be talking about potential yield reductions of 10, 15 or even 20 per cent. This is tentative; it has not been confirmed. But it gives you an idea of the magnitude of effects we could be dealing with, in this case from ozone associated with a sulphate episode.

We don't know what other hidden effects there may be of dry deposition or fallout, if you will, of sulphate particles, or wet deposition, that is, acid rain events. This is a whole other area of investigation in which there are many far more qualified to speak than I am.

We realize the number of things that are sensitive to pollutants transported on this scale. We would like to propose or to alert people that many technologies can be used to monitor it. Not only are there individual isolated sampling sites that are necessary to get ground truth, but we can get the overview from the satellite. We can see sharp fronts. We can see how it moves back and forth across borders on any given day, in fact, from hour to hour. We can see the thunderstorms north of Lake Superior should not be producing any kind of acid rain because they are in clean air, whereas those along that front could very definitely be causing acid rain and we get some indication of where it is coming from.

We can see particularly over water where these things are even more photogenic how smog fronts can move—in this case south-westwards into Florida. We can see very easily—and we can map these things in real time if we apply the resources—just how far pollutants can travel. This is satellite data of 1974, which is ancient in this business. Watch this tremendous cloud of pollutants, which presumably originated in the Ohio valley, as it moves about 1,000 miles north-eastwards well out into the Atlantic. Much of it travels north of Maine. It is difficult from this image to suggest whether it got as far north as Labrador and Newfoundland, but probably it did. Every one of those white blotches that is appearing is taking some of those chemicals and transforming them by the precipitation mechanism into chemicals which have fallen on to the ground with many possible effects.

The movie is an overview, but I hope it gives you some sense of the scale on which these things are occurring. I am available for any questions you may have.

**Mr. Gaunt:** Mr. Chaiman, this has been very interesting. I was interested to hear Dr. Lyons indicate that a plume could travel up to 500 kilometres in one cohesive fashion. Would it be possible under certain circumstances, presuming a wind were blowing from the north, for pollution—and the minister will already know what I am leading up to—to blow south via a north wind from Canada and then for the wind to change direction so that we get a southerly wind and that same plume loops back and ends up depositing over Canada somewhere—Ontario or wherever?

**Dr. Lyons:** What often happens in certain types of meteorological conditions that produce these episodes is that you have a week, or even two or perhaps three, of large-scale rotary air motion. I suspect that at any particular point within the stagnant high-pressure system, whether it be southern Canada or any place in the northeastern quadrant of the United States, we may breathe the same air several times as it goes around and around.

**Mr. Gaunt:** So it would be possible that during the course of up to two or three weeks it could come back and redeposit, if you like, in a completely new area or indeed in the area where it originated?

**Dr. Lyons:** Right. Of course, it would be joined by countless other plumes by that time. But yes.

**Mr. Gaunt:** This is off on a slightly different tack. Since you are a meteorologist, what sort of impact is all this having on our weather patterns? Is it fair to say that all this pollution being emitted year after year is cooling our weather over North America?

**Dr. Lyons:** There are many types of pollutants with many types of effects. The particular pollution we are talking about here is haze. That is a blanket word which covers a large number of chemical particles, of course. There has been almost no extensive research done anywhere that I am aware of to take a look at the weather modification effects of these episodes. We have seen evidence—this has been almost on a hobby basis in terms of research not being done in a formal way—through the years in looking at the satellite pictures that these hazes can inhibit thunderstorms or cause them to grow explosively on the boundaries. They tend to act like cold fronts. The sun is being reflected into space in one area and not the other, so the ground heats up in one area—differential heating, as we would call it—and that triggers thunderstorms. We know it does affect daily high temperatures several degrees. As a forecaster, I routinely lop three to four degrees off my high-temperature prediction for an area when there are these types of episodes.

As to longer-range implications of how much it is reducing solar radiation to crops, and whether it is doing so in a really significant amount, no one knows the answers. But I think these questions should be studied. I think attention should be given to these pollutants. We know they become involved in rain systems, because that is how it comes back down in so-called acid rain events. But there is enough to suggest that these pollutants which are highly hygroscopic—they love water—can actually affect the cloud generation and the precipitation mechanism to make it rain—perhaps more, perhaps less. One does not put massive amounts of these type of chemicals into a cloud system and not expect them to have any effect whatsoever on how that cloud behaves.

**Mr. Gaunt:** I was thinking of one portion of the film where the radiation counts were dramatically different in the haze as opposed to the clean air portion.

**Dr. Lyons:** It must have some effect, but in terms of quantifying and proving it—whether it is a local effect that will last a day or even just a few hours or one that could have an impact on seasonal trends—no one knows. It is something that clearly deserves scientific attention.



**Mr. Gaunt:** Maybe it is too early to ask this question, but have you done any research with respect to Mount St. Helens and the ash that has been deposited? What sort of impact it will have? Will it greatly increase the acidity on the continent?

8:40 p.m.

**Dr. Lyons:** This is some Mount St. Helens ash. It is being sold by entrepreneurs in Chicago for \$1 a bag, I believe. The jury is going to be out for quite some time; in fact, it hasn't even really been convened yet on Mount St. Helens.

I think the preliminary assessment is, though—of course, within the immediate vicinity of the volcano the effects have been catastrophic—that compared to past volcanic eruptions it is going to be almost trivial in its impact on climate.

What is interesting is that this ash, and several more cubic miles of it, were extremely photogenic, very visible on the satellite picture. We could track it, minute by minute, as it spread out across the US and into Canada. In fact, the area around Winnipeg had far more ash fall than any place in the northern plains of the US.

The satellite bay system—this real-time monitoring system we are describing—can be used for many types of events, not just this type of air pollution episode but, heaven forbid, for volcanic eruptions to categorize the local meteorology in the case of chemical spills, things of this type. There is a lot of meteorological technology being developed in the laboratories today that has not quite got out into the operational world of decision making when you are faced with potential catastrophes.

**Mr. Gaunt:** The only thing I was wondering about is, there was an article in the press a week or so ago indicating that because of the tremendous eruption and the ash and the wide distribution of it, it was expected that we would have a cooler summer than was normally anticipated.

**Dr. Lyons:** This has happened in the historical past; volcanic eruptions have done that. The year 1816 is famous as the year without a summer in eastern North America. But the amount of material ejected from Mount St. Helens was estimated at perhaps a 10th or less than occurred in that particular eruption so it is unlikely it will have a significant effect, as I understand the current thinking.

**Mr. Gaunt:** So you really do not have any handle on what kind of acid deposits are going to result from the volcanic ash?

**Dr. Lyons:** Again, secondhand information, not based on my own research. The consensus that has developed is that any kind of acidic deposition from the volcano would probably be less noticeable than what we have every summer.

Just an interjection which I did not bring up in the movie, quite a bit of research is now going on by the state University of New York at Albany. They have a laboratory on top of Whiteface Mountain. In fact, you could see the little observatory on the top of the mountain in the Olympic coverage every day.

There, they are measuring not only acid rain but acid clouds. The clouds themselves are even far more acid than the precipitation that is being recorded at the surface. You begin to wonder just how much we can change the chemical characteristics of the clouds over eastern North America without having effects we have not yet anticipated.

**Mr. Gaunt:** My last question, Mr. Chairman: I think this has been a very useful, informative film. Do you have any ideas or any plans to produce an update? Some of the data was from 1974, 1975 and 1976.

**Dr. Lyons:** There is a second version of the movie being produced now which has a few updates. This summer, the summer of 1980, we will be spending about three months' time on the Macidas system at the University of Wisconsin. This is largely as a result of joint EPA and NASA funding, to track these episodes as they occur.

We are going to be co-ordinating very closely with Canadian investigators to compare what we are seeing with the satellite with what is being measured on the ground. We are particularly interested in gathering data on the transport of pollutants across the Great Lakes because the Great Lakes, as a water boundary, makes it the perfect background for making the satellite measurements; so it is a serendipity at work in this case.

We would hope, as a result of the raw data collected, there could be several updated films perhaps focusing on the US-Canadian exchange program—if I can use that phrase. The data will be available; it is just a matter of finding the appropriate resources to put it together in these types of presentations.

**Mr. Gaunt:** So this would be available to EPA and to any of those organizations?

**Dr. Lyons:** That is correct.

**Ms. Gigantes:** I found this film fascinating and I wonder if I could ask you, Dr. Lyons,

to tell us a little about ozone because you mentioned it several times and it is something that we have not discussed very much in this jurisdiction. What is the effect of ozone on soybeans? Is it direct or is it simply as a solar inhibitor?

**Dr. Lyons:** There are people who could answer that question far better than I but perhaps I can paraphrase correctly some of the work that has been done by several groups, particularly by Professor Krupa at the University of Minnesota. He has done a fair amount of work in Minnesota to study the effect of various pollutants on typical soybean varieties that are grown in that area.

Ozone is an extremely volatile form of oxygen. It affects the human respiratory system in some cases. People are sensitized to it. In Chicago—and I also believe here—there are ozone advisories, or some such term, which request people who have sensitive respiratory systems not to exercise, particularly during the day.

The effects on crops are less well known even than the effects on human beings but the preliminary evidence suggests that the ozone attacks the leaf structure of the plant in such a way that it reduces the amount of chlorophyll, therefore reduces the rate of photosynthesis, therefore reduces the overall yield of the plant. This is how it has been explained to me. The preliminary suggestions are that under certain conditions we could be seeing yield loss of five per cent, 10 per cent or 15 per cent.

There are better documented cases here in Ontario of the impact of ozone on tobacco, which is an even more sensitive crop. I know that throughout the midwest, growing spinach becomes increasingly difficult. That is probably the most sensitive of all crops. I have not been able to grow spinach for six years now. My little garden doesn't really make much difference but it gives you some idea of how important this chemical may be and how little we understand some of its impact on plant life and perhaps even on human life. It does occur under the same circumstances which produce these types of episodes. It's invisible. You cannot see it but when you have sulphates you usually have ozone.

**Ms. Gigantes:** Does the ozone level accumulate over time?

**Dr. Lyons:** That is a much better question than you might even suspect. Ozone reaches a peak level and it is always decaying. It is just a matter of how much is being input through these chemical transformations.

Ten years ago if I had said that ozone can travel even overnight, the prevailing hypo-

thesis was that the sun goes down and the ozone disappears. That turned out to be quite false. Ozone can travel several hundred miles—500, 600, 700 miles—overnight under proper conditions. In Milwaukee we routinely measured ozone levels that were just above ground, going by what we call "low level jet stream" at 30 or 40 miles an hour, 300 or 400 feet above the ground. I am sure these types of conditions transport significant amounts of ozone into Ontario. I could not give a number; I do not know if anyone can for the moment but a significant fraction of what you receive here comes from the United States under certain circumstances, that fraction being hard to pin down at the moment but more than 10 per cent and less than 90 per cent.

But it is one of several secondary pollutants that are produced with time. No one emits ozone from a smokestack and there is very little actual sulphate aerosol emitted from the stack. It takes several days of cooking—that is the best word I can use—in the sunshine, particularly in warm, humid air masses for these transformations to occur. Therefore, the impact of a source here may be distributed over a wide area, many hundreds if not thousands of kilometres away.

All the same that is the impact. You have this source producing this impact and this source producing this impact, and they all make their incremental additions hundreds and thousands of kilometres away. The control of ozone is probably the really classic problem. In the United States the prevailing notion would be that if the region emits the primary chemicals of hydrocarbons and oxides of nitrogen and has an ozone violation, you simply control those chemicals in that air quality control region, which is only several counties. Well, it does not work.

It does not work at all because a good deal of what people breathe as ozone in the afternoon was emitted many tens of miles downwind that morning, plus the contributions from rush hour of some city a couple of hundred kilometres away from the night before, plus a smaller contribution from rush hour the morning before that from another city maybe 1,000 kilometres away.

There is a real irony with ozone in that if you were to reduce the amount of locomotive exhaust in a city that was undergoing an ozone episode you would probably actually increase the ozone levels because fresh automobile exhaust actually gobbles up the ozone initially, then it reforms at even higher levels farther downwind.

**Ms. Gigantes:** And it can last over a significant period of time.

**Dr. Lyons:** Three or four days as a half life seems to be what people are finding under optimum conditions.

**Ms. Gigantes:** Can I ask you about the methodology you have been using? Does this methodology promise us a way of getting out of the business of doing spot readings on sulphuric rain in this test site and that test site?

8:50 p.m.

**Dr. Lyons:** I don't think you would ever want to get out of that. I think it gives a framework for understanding the measurements you have.

All too often one group makes a measurement here, a university gets a little funding to make a measurement here, then a lab makes a few measurements here, and they all have their own little piles of measurements and they are looking at them and trying to understand what they are. Chemically they may understand them very well: They have so much of this and so much of that. But then the hard questions come: Where did it come from? How did it get there? Not to mention, what is it doing once it is there? That's a whole other area.

This type of technology gives a framework for understanding the entire air mass: where pollutants come from, where they go. I have a measurement of acid rain at this point. How does it relate to the entire continental scale air flow over the last few days? This is what we are suggesting, not necessarily to replace in situ measurements, but as a way of making sense out of these hundreds of apparently disparate data sets.

**Ms. Gigantes:** How much promise is there for using this kind of methodology actually to analyse the content of these great flows of pollutants?

**Dr. Lyons:** Directly measuring the constituents with the current technology is a difficult matter. Much of what we are doing right now is by inference.

We hope that this summer we will begin to see some patterns: When we have this level of thickness or brightness, so to speak, on the image, it corresponds to approximately this concentration of this class of chemicals we have dubbed sulphates. We cannot get much more into the chemical constituents with this type of technology; however, we hope, as work continues along this line and as people begin to think more in these terms, this will spur the National Aeronautics and Space Administration and other participating organizations to develop other remote sensing tools which can be flown on spacecraft and

which can measure specific constituents. Probably the most promising right now is measuring ozone from spacecraft.

I think there has to be not only technological development but also support from the public to get this done, to make sure the work continues.

**Ms. Gigantes:** The last question I have relates to cost. I know it is difficult to put a cost on the things you would like to see done. How much will the work you speak of being done in 1980 cost?

**Dr. Lyons:** We are just one small component of a much larger project. A number of programs are being lumped into one. It is now called PEPE-NEROS. It is sort of an alphabet soup of acronyms, but PEPE is Persistent Elevated Pollution Episodes and NEROS is the Northeast Regional Oxidant Study. The cost of these two programs plus several of the smaller ones—again, I am not privy to the Environmental Protection Agency's budgetary figures, but I understand it is in the \$3 million to \$4 million range for this summer's experiments. Then there will be follow-up programs. It is of that order.

**Mr. J. Johnson:** Dr. Lyons, first of all, I would like to emphasize my support for the concern about acid rain pollution and related problems, but I am a little concerned about some of the problems we perceive and I wonder if we are not being a little presumptuous. I am not sure how to say it without appearing as though I am not concerned with the problem, but are we seeing something that doesn't exist?

Our crop yields have been better during the last 20 years than they have ever been. People are living longer. One of the problems we in Ontario are facing is how to take care of our senior citizens.

This problem with acid rain and ozone, particularly as it relates to the Ohio valley and Pittsburgh, goes back to the turn of the century. People have lived with it for 60, 70 or 80 years. What is happening now that is any different from 50 years ago, except that now we are aware of something? We accepted it then, maybe because we didn't know anything different.

**Dr. Lyons:** I would like to dispute the contention that things really are the same as they were 60 years ago. Some attempts at controlling pollution create other problems. This is the classic dilemma of science and it will never end, at least not in our lifetime. We just don't understand everything. If we did, we would be perfect and life wouldn't be fun any more, I suppose.



There have been several developments in air quality control over the last several decades. One has been the elimination of very obvious sources of smoke and soot in cities. If you go back and look at the data for the last 30 years, yes, the air in cities has become cleaner in terms of particulates. Pittsburgh is much cleaner today than it was. You can actually see New York when you land at La Guardia now.

However, it is very interesting, if you look at patterns of regional visibilities over eastern North America, starting about 1950, that there has been a steady, progressive decline in visibility, not just at city airports but everywhere, in totally rural areas; whereas, in the early 1950s, you almost always had an average visibility during the summertime of 15 miles or better. It was very clean air; a blue sky, a beautiful day. Now that is rarely found in the eastern United States. The average has dropped, not only in large areas of the United States, but also in portions of eastern Canada, to below seven miles. This has occurred in the last 10 to 20 years.

**Ms. Gigantes:** Our childhood recollections of glorious days are true.

**Dr. Lyons:** Perhaps in that respect, yes.

The reason appears to be that in attempting to control sulphur dioxide emissions at their immediate source—in other words, at that particular coke oven or what have you—we have used various strategies, one of which has been, for a long time, the tall stack strategy. If you put it up higher, it is not going to affect you down on the ground. But that allows the pollutant to travel very long distances. It is no longer sulphur dioxide but other things.

**Mr. J. Johnson:** We have heard that.

**Dr. Lyons:** Yes, I am sure, but we can see the effect. It is not the same type of problem. We don't know. Maybe these are not really as serious as some people say they are, but maybe they are.

It is one of those things where I personally would like to see that we get the final answers rather than be, in some cases, in limbo a bit as to what these long-range impacts are, particularly in soil and forest production. That bothers me.

**Mr. J. Johnson:** I don't think there is any question about acid rain affecting the quality of the lakes. It destroys fish populations, for one thing. That is something we have seen.

Would you mind if I ask you, as an American, a couple of political questions?

**Dr. Lyons:** As a scientist, I will probably not be able to give you an answer.

**Mr. J. Johnson:** Well, it does have something to do with the elections. President Carter has made a commitment to the American people to build, I think it is, a little over 100 coal-fired generating stations, and I believe Reagan has taken the atomic approach. Is this correct?

**Dr. Lyons:** I have not heard Reagan's position on that, but certainly the idea that the Carter administration is committed to coal seems very widespread.

**Mr. Haggerty:** He's going in both directions.

**Mr. J. Johnson:** Let's go back to the coal-fired generating station. What will this do to the problem we have today?

**Dr. Lyons:** That is the correct question.

**Mr. J. Johnson:** It will add to it?

**Dr. Lyons:** Yes.

Getting back to what you were asking, are there real effects? Are they second-order effects, which are going to have a limited impact on a small number of people? Are they widespread? Are they going to affect only a small number of people but in a very serious way? There are just too many questions outstanding, I think, to which energy policy makers in the United States and everywhere, really don't have complete answers. There is always that fear: Is there another "acid rain" out there? In solving one problem, we have apparently created this one, and now, in trying to solve this problem, are we going to create another one?

The lack of knowledge, research, basic science, does tend to come back and haunt us. It may sound like the old scientist's plea for more basic research, but I think we can say that the lack of basic research in certain areas has had some very profound, practical, day-to-day implications.

**Mr. J. Johnson:** There is quite a lobby in the United States against nuclear power. Is there no group speaking against coal-generating practices?

**Dr. Lyons:** Yes, there is. It is not as well organized, perhaps, but I think in the last six to nine months there has been a tremendous enlightenment of the American public about the acid rain problem. A year ago they had not heard of it. Today it is something being mentioned in popular press articles, on the entire front page of the Boston Globe. I have been contacted by numerous television stations that want to use portions of the film in their specials on acid rain.

9 p.m.

Of course, there was a conference held here in Toronto in November, and an awful lot of the overflow crowd came from the United States. As a matter of fact, on the CBS Evening News, Walter Cronkite even used some of our film to talk about the acid rain problem. So it is something of which I think the American public, as opposed to the policy makers, is now aware. I think that awareness will feed back to the policy makers, and there will be an even higher level of concern than there has been for, say, the past year or two.

**Mr. J. Johnson:** This seems to be one of the problems with environment, that is, that there are always two sides to the story. I understand that Montana and some of the western states have hard coal which would be preferable, and because of the opposition to strip mining they cannot make use of it. Yet they use Virginia coal and they use the soft coal of the eastern states. Again, it is a matter on the one hand of being opposed to strip mining, which I assume has to be a position taken by people, and on the other hand of having the problem of the soft coal. Is it simply a matter of weighing each and trying to decide which is the lesser of the evils, or is it a matter of which has the stronger lobby?

**Dr. Lyons:** That is a political question to which I am not even sure I know the answer, nor would I venture to guess it. I agree with what you say, in the sense that there is no such thing as a one-sided, simple environmental issue. The only way you can make the best choice out of several difficult options is to be best informed.

One of the reasons this movie was produced was to serve as a vehicle not only for explaining the matter to other scientists who had not been involved in this area, but for creating a link or a bridge for policy makers, the people who really have to make the final bottom-line decision. This is what we know today, and this is the best information we have. Of course there are many other sources of information; this is just one of them. The final decision, I guess, is a politico-economic one, but it should at least be based on the best knowledge the scientists can provide at that time.

**Mr. J. Johnson:** I would assume that you would concur with the proposal that the only way really to solve the problem is through the joint effort of the two countries, the United States and Canada, and of the states and provinces affected.

**Dr. Lyons:** It appears to me that the United States and Canada have a much better ability to get along than do Ohio and the rest of the 49 states. It has been said.

We have a very similar problem, compounded just by the sheer number of states with which we are dealing. Certainly the ozone problem, the sulphate problem, the acid rain problem, the visibility reduction problem—certainly in the US visibility is the thing they are worried about—these are all part of the same chemical complex.

There is just no way, as I see it, based on what we see on satellite pictures and on modelling results, that any particular jurisdiction can look just at its own source and say, "I am going to look at this source and worry about what it appears to do to me." While you are staring at it you are being impacted from all directions. We have to be much more altruistic, and say, "I have to control a given source here," or "I have to do special maintenance programs on automobiles in one city," even though it will not have an immediate demonstrable impact on levels of air. If everybody else does the same thing, then levels all over begin to fall. That is perhaps a simplistic way of looking at it, but I think it is probably a good way.

**Hon. Mr. Parrott:** Mr. Chairman, there is one point on which, if I could, I would just follow up. I think it was an interesting point of view. We have been worried about the fact that it is hard to negotiate with another area—and I am not talking about US-Canada but just about another area, period—when they are not recipients. But you make a case that they may not be recipients of acid rain, but they are recipients of other problems. So we are all recipients—did I hear you correctly?—not necessarily of acid rain specifically, but when the whole bundle is put together, we all become recipients. I hope that is what you said, and I do not want to lead you to say "Yes," but I hope that is what you said because then I think it gives all of us a lever that I had not previously seen. If we are all recipients, then we all have a need to do something about it.

**Dr. Lyons:** To paraphrase: Sooner or later everybody—at least in the eastern North American airshed, which I have determined to be 110 degrees longitude eastward—will breathe everybody else's air, at one time or another. We have seen the pollution from Ohio go to Florida; we have seen stuff from Louisiana come all the way up into Ontario. It goes in all different directions in any given episode.

**Hon. Mr. Parrott:** But there is more than acid rain. You were talking about visibility, and what was the other thing?

**Dr. Lyons:** They are all different sides of the same coin. The sulphate aerosol, which is often rich in sulphuric acid, when injected into a cloud produces a good deal of what we call the acid rain effect. Those aerosols, those little fine particles, are tremendously powerful as light scatterers. They produce this haze, this low visibility, which is of extreme concern to a number of people who have just bought homes with a view and can no longer see it. The solar effect is an obvious one. They are all linked.

**Hon. Mr. Parrott:** Thanks, I did not want to interrupt.

**Ms. Bryden:** Dr. Lyon's last conclusion, made when he was speaking to the member for Wellington-Dufferin-Peel, was that we all have to deal with all of the problems in our area by making a combined effort to solve this problem. Does he know whether Environment Canada has been doing any of this sort of smog blob research to measure the smog blobs in Canada and their patterns, that is, the way they are spreading? Some of his maps showed a little bit of Canada, but has he been in contact with Environment Canada? They have their own satellites, of course; they have their own observations. Have they been doing this kind of research that he has been doing?

**Dr. Lyons:** There has been a considerable amount of work done on using the high-resolution, Landsat data; but that covers a small area and can be used in different ways. As part of our upcoming summer program, we are making a definite effort to talk to the individual investigators in the various organizations, including Ontario Hydro and those at the federal and provincial levels, to try to facilitate as great an exchange of information as possible. We do not have that much money for it, but we feel it is very important that people on both sides of the border talk to one another and share information, so we are making the maximum effort in this regard.

**Ms. Bryden:** Do you know whether Environment Canada has done any of this kind of analysis of the satellite—

**Dr. Lyons:** With satellite energy? Not that I am aware. I am not aware that it has been done here. If it has, it has not reached my desk yet.

**Ms. Bryden:** So perhaps that is an area in which we will have to prod them, because I think the results of your research do give us a very good impression of the extent of

the transport of these pollutants and of how far they can go. Can you also measure what is in the haze very accurately, or even all? I gather you know there is a certain amount of sulphur dioxide and a certain amount of nitrogen oxides in it; but how do you know that?

**Dr. Lyons:** Only by inference, at this point. We have learned that certain patterns are associated with these episodes, and that the brighter or the hazier it appears, the lower the visibilities are and the greater the various sulphate chemical levels are. It is not a direct quantitative measurement; but when we combine them with those measurements made on the ground from the various sites which have been set up, then we are able to draw the line, so to speak, from all our isolated data measuring points, to fill in the blanks, and to see that things extend out over water much farther. It is a tool which is additional to the various point measurements which are being made, and that is in a sense the context in which we offer it. It is also offered as a way perhaps to forecast, for the short run, where these will move over the next 24 to 48 hours. We will also be doing that this summer.

**Ms. Bryden:** It does not necessarily tell you the source of the pollutants. The ground measurements may tell you what is coming down, but they do not tell where it came from.

**Dr. Lyons:** This technique does not tell you the specifics, such as "the stack" or even "that cluster of counties." It does give you a much better idea, though, where this blob impacts once it is formed. That in itself is very valuable information.

**Ms. Bryden:** Do you have any concern that within the blob or within the haze there can be synergistic effects, that is, the reaction of one chemical and another, or the effects of additives to different chemicals? Is there any study of that?

**Dr. Lyons:** I am sure there is. I am not intimate with a lot of the ongoing research in the area of effects. But experience shows that when you get two chemicals together there is always some synergistic effect on some receptor. I think there should be more research done in the area of potential synergistic impacts between acidic aerosols, sulphate aerosols and oxidants. It has been studied to a certain extent, and I am sure more work could be useful.

**Ms. Bryden:** That is another area for research. I notice in your paper you mention that the Clean Air Act amendments in 1977



required states to account for the transboundary transport of air pollutants and part of your model or your methodology was developed, I presume, to enable the states to fulfil this obligation. Are most of the states now undertaking a program to carry out that obligation that was put on them?

9:10 p.m.

**Dr. Lyons:** I think they are still looking for a way. As of now, the best approach has been coming from the federal level, and that is to use some of the models that have been developed in Europe. The Eurmap model, for instance, which was developed by the Organization for Economic Co-operation and Development and used quite successfully throughout Europe, is now being run to give some estimation of how much various clusters of states are transporting between one another. There are a number of models under development. Part of this summer's experiment is to gain the basic meteorological and background information to run these various long-range transport models to begin to pin down some of the numbers. It's ongoing. It is not done yet.

**Ms. Bryden:** A state trying to fulfil that obligation would probably have to hire a consultant or an agency such as yours to perform this function for it?

**Dr. Lyons:** Generally, yes. With several exceptions, the states would not have that degree of sophistication or resources within house.

**Ms. Bryden:** I would just like to ask the minister, supposing that was considered a responsibility of the province of Ontario to account for the transboundary transport of the air pollutants coming out of Ontario; in other words, where is it going and how much of it is going to Quebec and how much of it is going across the border; would you have the facilities or be able to acquire the facilities to make those measurements or are you already making arrangements?

**Mr. Drowley:** Mr. Chairman, to answer that question, yes, we have in-house capability on that model development. As a matter of interest, we are in a joint program which is upcoming with the Environmental Protection Agency on the same sort of modelling to which the doctor is referring. It will take place this summer.

**Hon. Mr. Parrott:** Mr. Drowley, you might add a little more. I think it's important and valuable to outline a little bit more our involvement with the United States authorities. You have been there several times.

**Mr. Drowley:** Let me go back, if I could, and paint the US-Canada scene and our involvement in that and our involvement with it directly. As you are aware, there is a committee of ministers on the long-range transport of air pollution problems. Under that committee of ministers is a management board which is charged with steering the research work, both on the scientific side and on the abatement side of the program. Our time frame for some of the research work and technology is within the order of 12 months, and others are ongoing. From that, we do have direct contact with EPA through the Canada-US mechanisms. However, we do deal directly with EPA. Our staff have been down to discuss both the scientific side and the modelling side as I indicated, and also to discuss their types of control programs and the way they are looking at it. I would say that as far as we are concerned here, we are pretty well directly involved with what's going on in the US.

As the doctor has indicated, their program is quite large and it's very difficult to get a handle on it. This year, as I understand it, EPA has been given complete charge of their research program and has actually taken over parts of the program which the Department of Energy had before.

Am I correct on that, doctor?

**Dr. Lyons:** That's my understanding.

**Mr. Drowley:** Thank you.

**Ms. Gigantes:** Where would we find the accounts in the ministry estimates that relate to Ontario's participation with EPA in the study?

**Ms. Bryden:** How much is being spent this year by Ontario on this measurement of long-range transport?

**Mr. Drowley:** Our total program as far as our ministry is concerned on the scientific side of the problem is approximately \$3.5 million.

**Ms. Bryden:** What vote does that come under?

**Mr. Drowley:** It comes under the vote we are discussing.

**Ms. Bryden:** Is that 2102?

**Mr. Drowley:** Yes.

**Ms. Bryden:** Air resources.

**Mr. Drowley:** I should clarify that, Ms. Bryden. It's split among air resources, water resources and laboratory. It's lumped into one program for the purposes of acid rain or long-range transport.

**Ms. Gigantes:** Does the \$3.5 million relate to this continental participation of Ontario?

**Mr. Drowley:** No. It's our total program on acidic precipitation and parts of it relate directly with EPA. We provide them with information and they will provide us with information, exchange of information.

**Ms. Gigantes:** What kind of information do we provide to EPA?

**Mr. Drowley:** I don't think our modelling chap is here but I think Mr. Shenfeld could possibly answer that more directly than I could for you.

**Ms. Gigantes:** How much money do we spend on that particular combined effort?

**Mr. Drowley:** Pardon me. This is an effort we have just negotiated with them and I don't have a dollar figure at my fingertips, but I could get it for you.

**Ms. Gigantes:** Do you have a rough estimate?

**Mr. Drowley:** I am sorry, we don't have a dollar estimate right now. We are going to provide them with specific information to put into their models and in return they will extend their models to cover Canada.

**Ms. Bryden:** Is it provided for in current estimates or will it have to be a supplementary estimate?

**Mr. Drowley:** No, it won't be a supplementary.

**Ms. Bryden:** It's under air and water and laboratory.

**Mr. Drowley:** It's scattered all through. As a matter of fact, it's under my office which is the administration side of this vote and I think it shows \$3.467 million for the acid rain program.

**Ms. Bryden:** Perhaps you could for the next session provide us with a breakdown of that so we have some idea. I think Dr. Lyons' presentation and comments have certainly indicated that we may be doing too little because we are not going to be able to get a handle on the program until we answer a lot of these questions about what's in those smog blobs and where the sources are. I wonder whether, for a further sitting of this committee, you could provide us with a breakdown of that \$3,467,000—

**Hon. Mr. Parrott:** We can do that for sure.

**Ms. Bryden:** —on the acid rain program.

**Hon. Mr. Parrott:** I would also point out that some of this is directly related to the activity of the individual members of staff and the total package is really very difficult to put together because how do we decide when their salary directly relates to acid rain as compared to other things that they are

also doing? To give a total and accurate picture becomes a little difficult. We can give you the specific contracts or something of that nature very easily, but the whole thing becomes very difficult. For instance, would you say that all of Dr. Tom Brydges' salary should be accounted or not accounted for under this particular activity?

**Ms. Bryden:** It depends what percentage of his time he spends on acid rain.

**Hon. Mr. Parrott:** He spends most, if not all, of his time on acid rain research and yet it's not in this vote at all. It's not in that \$3.5 million. My point is that we could pad the account tremendously if we said these salaries were on acid rain and it would give an astronomical figure, but then, in fairness, we would have to take the same amount away from another program. We are not trying to pad the account by those kinds of numerical gyrations; we are simply saying there is \$3.5 million that we can account for quickly and easily. There's more than that by a considerable amount but I don't think that's what we are trying to make it look like.

9:20 p.m.

**Mr. Wildman:** The equivalent of the looping plume in financing.

**Ms. Bryden:** They did a public opinion poll in which 59 per cent said they thought the provincial government should be doing more on the question of acid rain. Perhaps we should have some sort of an accounting of what is being done in that field alone, if possible. I know you have to make estimates, and I agree we do not want figures padded, but we do want to know how much is being devoted to this very serious problem.

**Hon. Mr. Parrott:** I am not surprised at that result. I suspect you could find 59 per cent or more. We can give you some rough parameters. I do not think we can begin to tell, not because we won't, but simply because it becomes a matter of judgement, how much one person is doing on that particular problem as compared to other activities that he or she might also be doing. It is very difficult to arrive at a final figure.

**Ms. Bryden:** If you show us the basis for your estimates—

**Hon. Mr. Parrott:** I would be glad to do that.

**Ms. Bryden:** Thank you, Mr. Chairman.

**Ms. Gigantes:** Could I ask a supplementary, Mr. Chairman, on the inputs to the continental work that is being done? Are most of those inputs coming from the minis-

try related to the acid rain material produced in the latest Shenfeld reports?

**Hon. Mr. Parrott:** I am sorry, I do not—

**Ms. Bryden:** You mean those three reports that came out on Inco last week?

**Ms. Gigantes:** Is that most of what we are offering?

**Mr. Drowley:** No. This is additional information they have asked for to plug into their model, which takes in—I am not that familiar with all the details—specific conditions which exist in Ontario that they do not have access to. Without that information they have difficulty. Possibly Mr. Shenfeld can answer you in more detail.

**Mr. Shenfeld:** We have an emission inventory program and, of course, we give the emission inventory for all Ontario to the federal government and to the US Environmental Protection Agency. It is part of our program. It started well before the acid rain problem grew, but it is one of the inputs to the model for ozone production, as well as for sulphates. The model we are working on with US scientists is for the long-range transport of both ozone and sulphates and acid rain. It all comes out into one program.

**Ms. Gigantes:** So these are emission estimates as opposed to the collection of data on precipitation?

**Mr. Shenfeld:** The air quality data and the precipitation data we will be collecting will be used for verification of the model results in this part of Ontario.

**Ms. Gigantes:** For example, would the ozone emission levels—

**Mr. Shenfeld:** There are no ozone emissions. The emissions are nitrogen oxides and hydrocarbons. Ozone is a result of the reaction of the emissions.

**Ms. Gigantes:** You are providing information on the findings on ozone results?

**Mr. Shenfeld:** Right. We have a vast network of air quality stations measuring ozone.

**Ms. Gigantes:** Thank you.

**Mr. Riddell:** Mr. Chairman, I would like to return to ozone for a minute so that I may better understand its formation and its effect on vegetation and perhaps animal life, including home sapiens. As I understand it, this highly volatile form of oxygen is formed by a mixture of man-made pollutants or hydrocarbons and sulphur dioxides—pardon?

**Mr. Shenfeld:** Nitrogen oxides.

**Mr. Riddell:** Nitrogen oxides, right.

**Mr. Shenfeld:** Nitrogen oxides and hydrocarbons, mostly emitted by the automobile, as a matter of fact.

**Mr. Riddell:** All right. Now you indicated, at least as I understood you, that it directly affected the chlorophyll content of the leaf which, of course, interfered with photosynthesis. My understanding, and I certainly disagree with my good friend the member for Wellington-Dufferin-Peel, is that there has been no obvious effect of these pollutants. We do know the white bean crop in Essex and Kent counties has been chased out to points farther north because of, I understand, the pollutants coming from Detroit and other areas.

**Mr. Shenfeld:** Not necessarily Detroit. All pollutants coming from the Ohio valley.

**Hon. Mr. Parrott:** Could I ask Dr. Sam Linzon to come forward because I think we are getting closer now to his area of expertise? I would like him to hear your questions so he could respond to them.

**Mr. Riddell:** My understanding is that it was not so much the direct effect of this highly volatile form of oxygen on the chlorophyll, but the fact that there was an ozone layer that allowed certain rays of the sun to penetrate, which otherwise would not have been able to. Is that not right?

**Mr. Shenfeld:** Dr. Linzon will answer that.

**Mr. Riddell:** It has nothing to do with the penetration of certain rays of the sun which are affected by this ozone layer? Is it the oxygen that is—

**Dr. Linzon:** The ozone.

**Mr. Riddell:** Yes, okay. Is it the ozone that is directly affecting the leaf?

**Dr. Linzon:** Yes. I am Dr. Linzon of the air resources branch. Dr. Lyons mentioned ozone as a secondary pollutant. It is also described here as a result of photochemical reactions of primary pollutants producing a secondary pollutant. It is the ozone that directly affects plant life.

**Mr. Riddell:** So the condition we know as bronzing in beans—we are going to have to go back to university, Jim—I am sure we were taught at that time it was the ozone layer that allowed certain rays of the sun to penetrate and they affected the leaf, rather than the direct effect of ozone on the leaf.

**Dr. Linzon:** You have two situations here. There is an ozone layer surrounding the earth.

**Mr. Riddell:** Okay. Now what is that? Is that the same as this ozone we are talking about?

**Dr. Linzon:** It could contribute partially to the ozone through convection currents, but the bulk of the ozone surrounding the lower



layers of the earth is anthropogenic. Its man-made source is automobiles, power plants, emissions of nitrogen oxides and hydrocarbons, which in the presence of sunlight form ozone. They also form other photochemical oxidants, peroxyacetyl nitrate. They are other oxidants, but ozone is a prime concern with respect to vegetation.

**Mr. Riddell:** How long have we known about this? How long have we known about air pollutants and the fact they do have some effect on vegetation and crop production?

**Dr. Linzon:** With respect to ozone? Ozone was first found to be the cause of damage in Los Angeles in the 1940s. There were certain effects on vegetables and other crops in the Los Angeles area. The work of a scientist down there determined that the secondary pollutant, ozone, was the cause of vegetation damage.

This was followed by findings in the 1950s in Beltsville, Maryland, that tobacco crops were suffering as a result of ozone. Then it was found in southern Ontario in tobacco crops that what they used to call weather fleck is actually caused by ozone. In the 1960s it was determined that ozone was causing damage to white beans and a number of vegetable crops, such as tomatoes, potatoes, onions and spinach. We are primarily concerned about tobacco and white beans in southern Ontario.

**Mr. Riddell:** You are suggesting there has been considerable research done since 1940 on the effect of pollutants, such as ozone, on crops?

**Dr. Linzon:** In the 1940s, yes.

**Mr. Riddell:** Why is it we cannot seem to get any of the results of this research? I am interested in knowing what acid rain is doing to the crops and what ozone is doing to the crops. I have been of the belief from my questioning that very little research has been done. Why has so little research been done on the effects of acid rain? If there has been research, where can I get the results? I want to know if my yields of corn are going to decrease year after year. I also grow white beans, and I want to know if that crop is going to decrease year after year. I want to know where we are heading with all this.

**Dr. Linzon:** We have all this information. A lot of research has been done on the effects of ozone on plant life in the United States and in Canada. In fact, the Ministry of the Environment has been doing surveys of oxidant damage in southern Ontario for the last 10 years in relation to white beans.

Research has been done by the University of Guelph, which has Ontario ministry funds to do this research studying the effects of ozone. We know the incidence and occurrence of damage in various counties from year to year. The question as to why—I am not sure what you are leading to—is a very difficult problem because there is no stationary source. It is mainly automobiles, a mobile source. Until we can control all the nitrogen oxides emitted from automobiles and hydrocarbon sources, we are going to have an ozone problem.

9:30 p.m.

**Mr. Riddell:** Do we know that crops other than beans and tobacco are affected to any significant degree by these pollutants—ozone, acid rain?

**Dr. Linzon:** You are bringing in acid rain and there is a lot less known about acid rain. They are two different pollutants. There is a lot more known about the effects of ozone, as Dr. Lyons mentioned. There has been work done in Minnesota, in southern Ontario and there is a lot known about the effects of ozone. But at the present time the state of knowledge of acid rain is not as good.

**Mr. Riddell:** If there is not a great deal of public interest at the present time in the tremendous damage we are doing to our environment, I suppose it might indicate the day may well come when we are not able to produce the food. Then there would be considerable interest. Maybe people would be knocking on the minister's door and saying, "We have had enough of this emission from Inco. We have to get them down right away."

Until we get that public outcry, neither the minister nor anybody else is going to do too damned much. If I could go to the public and say our crops are really being affected by the stuff that we are spewing into the air, to the point where we may be wondering where the next loaf of bread is coming from, then we may get pretty serious about doing something about the environment.

**Mr. Shenfield:** The problem is that we are emitting it by automobile emissions. It is not the industrial emissions we are talking about that are causing the ozone.

**Mr. Riddell:** Maybe it is time we did get serious about going to the burning of alcohol, which is pretty well a complete combustion. Maybe it is long overdue.

Okay, I won't get exercised any more, Mr. Chairman.

**Mr. G. I. Miller:** Mr. Chairman, could we ask a couple of supplementaries on that? What is the effect on spring grain and has there been any research done on that? The production of spring grain in our area of Haldimand-Norfolk has deteriorated much in the last 15 to 20 years. Rust seems to attack it and the production is not as abundant as it was 20 years ago. It does not seem to affect the corn that much but spring grain it has. Have there been any studies on that?

**Dr. Linzon:** There has not been as much work done on the grain crops. They are not as sensitive as these other crops I mentioned. We do have studies that have been done, both through the Ministry of the Environment and through the University of Guelph through funding from the ministry, on white beans, potatoes, cucumbers, onions and other major vegetable crops in Ontario. However, there has been very little work done on spring grain. I think the problem you mentioned is unrelated to ozone.

**Mr. G. I. Miller:** What about the weevil in the alfalfa? Is that something that has come about again in the last 15 or 20 years?

**Dr. Linzon:** Again, it is unrelated to ozone.

**Hon. Mr. Parrott:** Why don't you ask about blue mould while you are at it?

**Mr. G. I. Miller:** We understand where blue mould came from. But we have not been able to reap a crop of alfalfa, and Haldimand county is a particularly good area for growing alfalfa.

**Hon. Mr. Parrott:** With a little better county, like Oxford, we are still producing alfalfa.

**Mr. G. I. Miller:** I still say we can produce alfalfa seed better in Haldimand, but we haven't been able to; I don't think you are producing it in Oxford either. I don't think any place in southern Ontario is producing alfalfa seed to any great extent at present. All we buy to reseed has to be imported from California and the western states or western Canada. There has to be a reason for it, and you indicate there has not been any research done in this field.

I read a report about air pollution and crop damage which appeared in the magazine *Highlights of Agricultural Research in Ontario*, June 1979: "Crop damage due to air pollution, although scattered and patchy, has caused yield reductions of up to 40 per cent in affected areas." That is a considerable reduction.

It goes on to say that only four known crops are susceptible to air pollution damage:

beans, onions, grapes and potatoes, which you have indicated. But from my experience, spring grain is a crop that has not been as productive. As a matter of fact, there have been a lot of near failures—30-bushel crops—at a time when fertilizer is used and all the ingredients to go with it. If you still can't produce better than a 30-bushel crop, that is not a very good return on the investment. Are there any studies being done in that?

**Dr. Linzon:** As far as the effect of oxidants is concerned, we have no research studies on grain right now. It has been looked at in a list of sensitivities of various crops. It can be affected, of course, but it is deemed not to be as sensitive as other crops; so there is less research being conducted with respect to pollution.

You mention our disease and our insect problems and cultural problems and other problems which are probably contributing to the yield losses.

**Mr. G. I. Miller:** I don't want to take anyone else's place, Mr. Chairman, but the environment management program is doing an intensive study in the area; I believe it began back in 1970. How close are these reports to coming back to the ministry?

**Mr. Drowley:** I didn't catch which report you were referring to.

**Mr. G. I. Miller:** The Nanticoke environment management program, which began back in the early 1970s. Do they report back to the Ministry of the Environment? Are they connected with the effects on agriculture in the area? Are those reported back to the ministry, and are you not aware of it?

**Dr. Linzon:** There is a Nanticoke environment management program which is looking at the problem in the area. But we also have a program on the effects of the industries in the area on vegetation in Nanticoke, and there is an annual report produced. It is available if you would like to have it.

**Mr. Haggerty:** Is there a problem there? You mentioned a problem.

**Dr. Linzon:** No potential problems of industry in the area. There is a large-scale program in progress. We do also have an annual phytotoxicology program with respect to the potential pollutants on soils and vegetation in the area. There is an annual report.

**Mr. Haggerty:** I happened to drive past the industrial complex up there about a month and a half ago and it looked almost like another Hamilton steel plant site.

**Mr. McGuigan:** While Dr. Lyons is here, I want to get as much information as I can from him.

You must have contacts with other scientists around the world and be aware of what is happening. How does North America compare to Europe as to their research and advances in handling this problem, bearing in mind they have been in the industrial business a lot longer than we have?

**Dr. Lyons:** There are some interesting comparisons. I suppose the simplest way to sum it up is to say we are five years behind. A very extensive program was conducted throughout Scandinavia, with particular input from the Norwegians; that has just been completed. It is called the SNSF project. The initials are Norwegian; so I can't tell you exactly what it means. But it is essentially the effect of acid rain on crop, soils, fish and forestry.

That program has been wound down. There was an international symposium in March in Norway, and the proceedings are still on the press. What came out of that meeting was that we seem to be experiencing the same type of problems the Europeans were finding themselves with 10 years ago and to which they responded by launching these large-scale research programs which were characterized by a multinational effort.

9:40 p.m.

The intensity and the aerial coverage, the extent of acid rain and other associated pollutants in North America now seem to be at least as much, if not more, than they find in western and northern Europe. Of course, the impacts may be different because of the differences in soil and bedrock, but the entire range of problems they had to face, we are now facing. I think it would well behoove both the United States and Canada to pay even more attention to the work that has gone on in Europe and to interact more with particularly Scandinavian scientists, who have been in the forefront.

People talk about crops but there are other areas of concern. Effects on materials could become important in the long run. Subtler but equally important are the effects on forestry. The Swedes seem to think they have found indications of up to 10 per cent reductions in forest yields. Those types of numbers get hotly disputed, of course, but this has been stated.

There are the effects on soil and leaching of certain chemicals—heavy metals. I believe also the Swedes have just reported cases of leaching of minerals into ground water and drinking supplies in Sweden. In other words, once this rain with different chemical characteristics hits the soil, it just doesn't stop there; it continues to percolate through,

and what comes out into wells or elsewhere is not going to be pure water.

**Mr. McGuigan:** Is it affecting things like galvanized fences and roofs?

**Dr. Lyons:** Those too. Deterioration of rails and structures—limestone. That's probably one of the simpler ones to categorize. But to assess the total dollar impact of that, I suppose would take quite an extensive study. But it is not trivial, that's for sure.

**Hon. Mr. Parrott:** Mr. McGuigan, if you would like, Dr. Linzon was at that conference that you had reference to and would be glad to offer his report on that conference. I don't know whether you were there, too, Dr. Lyons.

**Dr. Lyons:** Yes, I was.

**Mr. McGuigan:** I have just one further question. How have the Europeans, being so many states, coped with the political problem?

**Dr. Lyons:** I probably can't answer that question all that well except from the occasional rumblings I have heard. It apparently was not an easily accomplished process and took a lot of perseverance by all parties. But I also get the impression that it was worth the effort and the occasional discord that resulted.

**Mr. McGuigan:** That's all I have to ask.

**Mr. Gaunt:** Mr. Chairman, are we dealing with the whole of vote 2102? Are we taking it in its entirety?

**Mr. Chairman:** Whatever you want.

**Mr. Gaunt:** Because of the limited amount of time we have, I would suggest perhaps that would be the best approach. I want to thank Dr. Lyons for coming here and being so informative. It's very much appreciated.

**Mr. Wildman:** Mr. Chairman, could I ask one short supplementary before Dr. Lyons leaves?

**Mr. Chairman:** Yes.

**Mr. Wildman:** You talked about the potential effects of acid rain on forestry, and we have had discussions about this in these estimates last year and previously. But I was interested in your comments and that of the ministry staff about ozone and its effects on crops. Are there any studies about its effects on forestry?

**Dr. Lyons:** As a matter of fact, yes. I am not intimate with them since the effects area is not where I put my prime effort. But I believe white pine is one species that is quite susceptible to ozone. I know it is more anecdotal but it may give you some idea: In



that 1975 episode—if you can remember the movie—we had this blob that pulled east into the Ohio valley, then north into Canada; later on, it sort of shifted the other way and went south into North Carolina and South Carolina. The ozone levels there were about 100 parts per billion which are somewhat typical of what gathers in this area during midsummer. The worst damage was noted to white pine as this blob passed by. There were significant impacts on needles.

What this means for long-term growth, I don't know, but there are forest species that can be effected by ozone. What the long-range economic effects are, I do not know, but it cannot be ignored when looking at the total picture.

**Mr. Wildman:** Thank you.

**Mr. Chairman:** Are there any more questions to ask the doctor? On behalf of the committee, I want to thank Dr. Lyons for appearing. I think some of us who realized we didn't know too much are convinced that we knew less than we thought we did.

**Hon. Mr. Parrott:** May I also add thanks from the ministry for appearing here, doctor. I know it was not at great notice that you came, and we appreciate your accommodating as you did. I am sure all of us found it most helpful. Thank you for coming.

**Dr. Lyons:** It is a distinct pleasure to come to Ontario for any reason whatsoever.

**Hon. Mr. Parrott:** We get along pretty well with our southern neighbours, and they with us.

**Mr. Gaunt:** Mr. Chairman. I want to talk or a few moments about the PCB burn in Mississauga. First of all, I want to ask the minister about the court decision upholding the bylaw of Mississauga to ban the PCB burning. I think it was indicated that the minister was going to either appeal that decision or bring in new legislation. We have not seen any new legislation; so I presume that the minister is going ahead with the appeal.

**Hon. Mr. Parrott:** Yes.

**Mr. Gaunt:** The court did not rule on the basis of the wisdom, or lack of it, of the burning. As I understand it, the court simply said that Mississauga had the right to pass these bylaws and to do what they did under the terms of the Municipal Act. The ministry argued that it had certain powers under the Environmental Protection Act, and that it saw this as one of them. So there was an area here which I am sure caused the minister some concern. I think this particular problem could snowball and could move out into

areas like Harwich and into many other communities across this province.

**Hon. Mr. Parrott:** It could.

**Mr. Gaunt:** I wonder what you are going to do in terms of trying to cope.

**Hon. Mr. Parrott:** We are going to appeal the decision. That is the first thing we are going to do. Second, I think it would have some potential benefit if this were tested not only in the courts but also in the reality of the world. I guess if the Harwich council decided to issue its bylaw and the present court remains disposed as it now is, it might be very interesting to observe what happened if there were no facility.

I have been trying to make the case—and I think too often it has been ignored—that it is one thing to be opposed to a facility and another thing not to look at the other side of the coin and say, "What happens with no facility?" That very easily could be on our doorstep within days, and I literally mean days. I guess the real world will test that out. Maybe it is about time that all of society had an opportunity to look, eyeball to eyeball, at what would happen if we did not have our various sites and, more particularly down the road, if we did not have treatment facilities. They are one in the same. We have become very accustomed to knowing that a landfill site will take our solid wastes. As you know, I am unconditionally opposed to having our liquid wastes landfilled, but at least in the short term we could look at what would happen if there were no solid waste receivers. That could happen within days.

**Mr. Gaunt:** So when will this appeal be launched? You have indicated that you are going to appeal. At what stage is it now?

**Hon. Mr. Parrott:** Mr. Jackson of legal services?

**Mr. Jackson:** I am Jim Jackson, legal services branch. The appeal was returnable on Monday of this week. I have been out of town at a hearing, but I understand the application for leave to appeal was adjourned to be argued a week from next Monday.

**Mr. Gaunt:** So the court has not decided whether you can appeal?

**Mr. Jackson:** That is right.

**Mr. Gaunt:** I see. That will be heard a week from this coming Monday?

**Mr. Jackson:** I believe that is the day until which it was adjourned.

**Mr. Gaunt:** I see. What is the time frame? Having heard that, do they render a decision almost immediately? What is the process?

9:50 p.m.

**Mr. Jackson:** They will not hear argument on the merits of the appeal a week from Monday. They will just decide whether it is worthwhile hearing argument on the merits.

**Mr. Gaunt:** I understand that.

**Mr. Jackson:** The main argument will be made in the fall.

**Mr. Gaunt:** Presuming you win the first argument.

**Mr. Jackson:** Yes.

**Mr. Gaunt:** If the court says, "No, we do not think you have a case for appeal," then that is the end of it.

**Mr. Jackson:** That is the end of it.

**Mr. Gaunt:** If they do say you have grounds for appeal, do you think it will be heard in the fall?

**Mr. Jackson:** That is right; probably in late September or early October—but that is only a guess depending on what other cases are scheduled.

**Mr. Gaunt:** Okay. I want to move on to another aspect of this particular matter. It has to do with the TAGA 3000, the super-sniffer. We found out it was not as super a sniffer as we thought it was. I gather there have been some indications that the information coming from it was not entirely accurate. I think that has implications not only for Mississauga but, in so far as the testing is concerned, also for the plasma arc process. I gather the TAGA 3000 was going to be used in the testing of that particular process.

What is the current status in so far as the technology involved in the TAGA 3000 is concerned? Is it as accurate as we once thought it was? If not, what is the problem and can it be corrected?

**Hon. Mr. Parrott:** Let the deputy say a few words first, and then Tom Cross will give us some more detailed information.

**Mr. Scott:** I think that Mr. Cross is best qualified to answer. But as I understand the problem, Mr. Gaunt, it is not that the TAGA 3000 is not accurate. Our problems in St. Lawrence Cement are more related to the fact that the TAGA is too accurate and was picking up too many other problems that were clouding the whole picture. The problem was, if you like, to filter out a lot of the background to give an absolutely clear picture of the problem. But perhaps Mr. Cross can give you a more thorough and scientific explanation than I.

**Mr. Cross:** I am Tom Cross of the area resources branch.

I think there is a patent misunderstanding about the TAGA, that it is the instant answer

to everything. It is a very powerful field study tool and is very powerful for stack testing. Unfortunately, in tackling PCBs we start off with the most complex chemical family, with 209 forms of that type of chemical and 10 different molecular weights. We would have been much happier to have broken it in on something simpler, such as chlorine or something like that, which was had in the Mississauga derailment.

But I will give you a progress report on it. We first attempted to monitor PCBs in the atmosphere, and they are down in the range of one part per trillion. With all the other things that are in an urban industrial area we had a lot of interferences. While we can monitor down to about three nanograms, that is not adequate for our purposes, because with 10 different molecular weights we could be losing 30 nanograms of which we would be unaware. For stack testing purposes, we have proven it well within the range of the safety limit we had set for the maximum we would permit to go up the stack in the PCB burn. In the cement kiln dust, we can see PCBs at the level we need to in order to guarantee the safety of the PCB burn.

In ambient air, we are still not satisfied. In a great many other chemicals we have to develop procedures. It is not like your Chevrolet, in that you turn the key on, put it in gear and away you go. You have to prove it on the various chemicals as you go along. For instance, with chlorine, which is a simple chemical family with only two different forms, it was a relatively simple matter to program the TAGA and to use it. As to PCBs, we would probably never have had the TAGA if it had not been for PCBs, but I would rather have started on anything but PCBs. It is just a tough way to start. It is like playing in the big leagues the first day you ever pick up a baseball bat.

**Mr. Gaunt:** So the technology and the machine itself is still a very useful weapon. Mr. Cross? Its qualities are such that it is so accurate that it picks up all these other things and distorts the reading you want to get in some cases if you are aiming for a specific reading of a certain chemical product emission.

**Mr. Cross:** It does that for some things at those levels. For most things, we are content to monitor at the parts per million level. We are trying to measure PCBs at the nanogram level, which is parts per trillion; and the other chemicals in the atmosphere do interfere, particularly in the case of hydrocarbons. We have got it down to three nanograms; we can see the 10 molecular weights at three

nanograms. This is very good and probably satisfactory for most of our purposes, but it does mean in some areas where we feel that the PCB content in the air is down under 10, if we monitor and we are hiding three nanograms of each of 10 molecular weights, then there is too much we are missing. Our effort is to get it down to one nanogram so the most we could miss would be 10 nanograms.

**Mr. Gaunt:** I know that a lot of money has been spent with respect to the Mississauga burn and everything associated with it, the TAGA 3000 and all of the costs associated with the research, although I gather the TAGA 3000 wasn't designed specifically for the Mississauga situation.

**Mr. Cross:** That's right.

**Mr. Gaunt:** I have a series of questions with respect to the costs in Mississauga. First of all, do you have an accurate estimate of the whole cost associated with that PCB burn in Mississauga, including the research, the legal fees, the consultants and so on? For instance, what was the cost of research into PCBs and their disposal and the money that was paid to the Ontario Research Foundation? It was in the neighbourhood of \$300,000, was it not? I think that was the figure. Do you know the legal costs to date of everything you have undertaken with respect to that, the cost associated with the commission of inquiry into the burning at the St. Lawrence plant and the cost of the pending appeal? Do you have any idea how much that is going to cost?

**Hon. Mr. Parrott:** How would we know that until it becomes a reality? It might not happen in the first place, but it might last a week or two weeks.

**Mr. Gaunt:** All I am asking is, on the presumption that it does go ahead, what sort of figure are you budgeting? That is all we can do. What is the best guesstimate you can give at this point?

**Mr. Cross:** As the minister pointed out on acid rain, a lot of our costs in overhead, for instance—don't appear. When we talk about our acid rain budget in my particular branch, we are talking a little more than \$1 million. A quarter of that is in salaries, both regular complement and long-term casual or contract staff. There are all kinds of overhead for staff like myself and my supervisors, whose salaries don't appear against these things. I think you could add 25 or 30 per cent to our budget cost on a specific study just in overhead.

Getting back to your original question on PCBs: for PCB surveys, for the development

of the TAGA capability, for the time we spent on the stack, we write this off at something close to \$750,000, and that was without the cost of TAGA.

**Mr. Gaunt:** That was without the cost of TAGAP

**Mr. Cross:** The purchase cost of the TAGA is over and above that. That is the operating cost of the TAGA, the hardware, attaching it to the stack, the programs we did in our lab and in outside labs to test every known method of analysing PCBs against what we were doing to determine the best ways. I think we have spent pretty close to \$750,000 on the analysis of PCBs. That includes the four-week survey that we did in some 26 locations across Ontario last year.

10 p.m.

**Mr. Gaunt:** Was that the ambient air quality survey conducted by some consultants, I think, International Environmental Consultants Limited and subcontracted to Nucro-Technics Limited?

**Mr. Cross:** Nucro-Technics did the analysis of the samples.

**Mr. Gaunt:** What was the cost of that, Mr. Cross?

**Mr. Cross:** That was included in that.

**Mr. Gaunt:** That was included.

**Mr. Cross:** I haven't got those figures, but it is all in that \$750,000 package.

**Mr. Gaunt:** Right; and what was the purchase price of TAGA 3000?

**Mr. Cross:** It was \$476,000.

**Mr. Gaunt:** It is an expensive little piece of equipment.

**Mr. Cross:** It is expensive, but I still think it is worth it.

**Mr. Gaunt:** What about the Dillon report on the facilities for storage of PCB wastes? That can't all be laid at the doorstep of the Mississauga cost, of course, but what did that cost?

**Mr. Cross:** That belongs to the waste management branch and not the air management branch. It is in vote 2104.

**Mr. Gaunt:** All right; I will ask about that when we get to vote 2104. There would be a cost in hiring Dr. O'Connor, because he was the consultant for the public seminars, I believe, that were held. What was the cost associated with that?

**Hon. Mr. Parrott:** Mr. Frewin will answer that.

**Mr. Frewin:** My name is Bob Frewin, information services branch. The total we paid



Dr. O'Connor was about \$8,000. He performed several services.

Mr. Gaunt: I see. How many meetings were held?

Mr. Frewin: He did some work for us over in Middleport, and we held the one information meeting over there, and he did some appraisal work for us which was also included in the \$8,000 charge.

Mr. Gaunt: I think there was a liaison committee with Mr. Clarkson, Mr. Carroll and Mr. Bendell.

Mr. Frewin: Mr. Pitura could probably better answer that question. I wasn't associated with that.

Mr. Gaunt: Oh, I am going around here.

Hon. Mr. Parrott: That's fine. Mr. Pitura is here. Why don't we let him answer it and get it done?

Mr. Gaunt: Just while Mr. Pitura is coming up, would there be copies of the minutes of the meetings held by that committee? I believe there are.

Hon. Mr. Parrott: Are you speaking of this liaison committee?

Mr. Gaunt: Yes.

Mr. Pitura: We have had something in the order of seven or eight meetings, I believe, and the last one was held about a month and a half ago. We had on that committee a representative from the city of Mississauga who I believe was acting more in the capacity as an official observer rather than that of an official representative from the city, because of the problems with the bylaw. We had three representatives from citizens' ratepayers' groups. One was the president of the overall umbrella association of ratepayers' associations in ward 2 of Mississauga, Mr. Clarkson. Mr. and Mrs. Bendell represented Meadow Wood-Rattray which was the association nearest to St. Lawrence Cement. Mr. Larry Carroll, who is president of the Park Royal Ratepayers' Association, which I believe is probably one of the largest in Mississauga, representing something like 3,000 families, was there. We also had a representative from the Canadian Environmental Law Association. St. Lawrence Cement Company, also was represented. There were also members of the air resources branch, my own branch. I acted as the chairman.

As far as costs are concerned, which I think you were alluding to, there were no costs. It was all done after hours. We met at 7:30 p.m. and our first meeting went to one in the morning. It was not quite one in the morning; about midnight, I would say.

We got home about one in the morning. The second meeting lasted until about 11:30 p.m. and I think from then on we tried to stop about 11 o'clock. There were no costs even for coffee, as it was provided gratis by the hosting company. All the meetings were held right on site, at the company. Presumably the other people on the committee who represented various groups also did this on their own time.

Mr. Gaunt: I am just trying to get some sort of handle on what cost is involved with this whole matter. It's an important matter and it has been continuing for some time. I was just trying to get an idea of the costs. The problem is not resolved yet, by any stretch of the imagination. We still have quite a way to go. There's the court matter. There's the matter of new technology, which I'll come to in a moment, because I want to find out just where that sits.

Mr. Pitura: Could I just add one thing, Mr. Gaunt? The notes of the meetings were public. The meetings themselves were always public. At times, we had people from the media taking notes, and these notes were tabled as part of the material before the commission of inquiry. They are still available at the present time.

Mr. Gaunt: Where are we with respect to the new-technology plasma arc? On April 28 the minister indicated there were some road blocks. The technology is owned by the federal government. He wasn't sure whether it was the Department of External Affairs, the Royal Military College, or whomever. We have an interest in it. We have contributed financially. By the way, how much financially?

Hon. Mr. Parrott: The deputy minister will answer that.

Mr. Scott: Mr. Pitura can go into the details. The essential aspect of it was that the Royal Military College became involved in it originally because they were looking for a technology that would permit them to dispose of waste at sea, in accordance with the international treaties and the law of the sea.

As you may or may not be aware, that is a serious problem at the moment. I think those treaties are not necessarily strictly adhered to because of problems with the confines of ships. In any event, that is what got the Royal Military College into the study. However, the plasma arc process, with which they're working, as I understand it, is essentially an American process, patented by a firm in North Carolina.

Perhaps the best thing to do is have Mr. Pitura bring you up to date on exactly where

that stands at the moment. If I've misled you in any way with regard to the relationship, we can expand on it and correct me.

**Mr. Pitura:** The company is located in Durham, North Carolina. It's called Resource Recovery Corporation. The technology is sort of an offshoot of the space program in the United States. They have a facility in North Carolina. We have seen it applied to solid waste, not necessarily toxic wastes—rubber tires and that sort of thing.

As has been mentioned already, the Royal Military College in Kingston purchased one of the higher-generation plasma arcs for their ship waste studies. When we found out about it we were interested in exploiting the possibility of applying that technology to such wastes as PCBs. We've had numerous discussions in the last six months to a year, the problem being it is technology developed in the United States. It has to be proven in its application to toxic wastes.

We are concerned that if we spend a lot of money—say in the order of \$400,000 over a year—we might end up proving a technology in Canada, using Canadian resources, and then not being able to apply it if the owner of the patent says, "Thanks, but no thanks." This is the reason we've been perhaps more cautious than some people would lead us to be, but we felt it was in our best interests that we take these precautions. We met with principals of the company and a representative from the Royal Military College approximately two weeks ago to try to finalize the legalities. Mr. Jim Jackson, from legal services, from whom you heard earlier, was involved in the meeting and perhaps can talk in more detail on some of the legal implications.

We are looking at a direct agreement with the RMC on a certain part of the work and a letter of intent from the company in North Carolina, which will have certain legal status that will enable us to perhaps protect our interests and the money we plan to invest in this technology in future.

9:10 p.m.

**Mr. Gaunt:** How much money is that, Mr. Pitura?

**Mr. Pitura:** It is in the order of just over \$400,000. Having said that, though, we have taken a bit of the bullet already.

Last week I signed a purchase order for \$400,000 to go to the RMC to allow them to start doing some work on what they call mimicking compounds, which are non-PCB but have certain similar characteristics, to see what promise that application has with

respect to eventually getting into a full-fledged toxic waste study.

**Mr. Gaunt:** What you have painted tonight is quite a different picture from the one I had envisaged previously, not only in terms of the ownership but also in terms of the technology and how effective it would be. I gathered this was a technology that was tested and proven to the satisfaction of all with respect to destroying PCBs. That is not the case.

**Hon. Mr. Parrott:** You can get rid of PCBs, but whether you can destroy PCBs is another thing. If you were asking if that were PCB material and you put it in a machine would it disappear, I do not think there is any doubt about that. Whether or not they have been dissipated, period, is the ultimate question.

**Mr. Gaunt:** That is where the sniffer comes in.

**Hon. Mr. Parrott:** That is where the sniffer comes in, and I guess no one is quite prepared to say yet. I hope I have clarified that point.

**Mr. Gaunt:** Yes.

**Ms. Gigantes:** Can I ask a supplementary on this? This is a NASA technology. Were patents picked up by more than one country?

**Mr. Pitura:** No. I think this company has the patent as far as we know.

**Ms. Gigantes:** Does not NASA usually release the patent generally and then make it available for several companies to pick up?

**Mr. Pitura:** I do not know.

**Ms. Gigantes:** It has in other areas.

**Mr. Pitura:** I believe they have, but Mr. Jackson might be able to throw some light on the legalities on patents.

**Ms. Gigantes:** What I am trying to get at is whether it is worth trying to deal with an American company which has already developed one way of using the technology or whether it might be worth starting with the technology.

**Mr. Jackson:** We have conducted a patent search in the United States under the Canadian Patent Act and, through an arrangement we hope to be making with the RMC, which is part of the government of Canada, we will be able to use the American patents in Canada if they are not being exploited by the American company at reasonable prices in Canada.

**Ms. Gigantes:** What you are looking to is to latch on from the federal government involvement?

**Mr. Jackson:** That is right. Under the Canadian Patent Act the federal government has the right to use any patented procedure and royalties are set by the commissioner of patents.

**Mr. Gaunt:** The minister said it was not a matter of funds, it was more a matter of ownership; so I am getting a clearer picture now as to what was involved. Because he said in Hansard on April 28, "I think it is more to determine who is the owner of the machine, whether it is RMC or the professor"—whoever the professor is—"or External Affairs."

**Hon. Mr. Parrott:** Or whether they have this negotiation right with the US.

**Mr. Gaunt:** Yes, right. We hope that will be sorted out in the next few weeks.

**Hon. Mr. Parrott:** I have to interject one comment here. I think staff will concur. There has been very little doubt in their minds that I put a great deal of emphasis on proceeding as quickly as possible. I think that is correct.

**Mr. Gaunt:** With good reason, because you are going to spend \$5 million in temporary storage near Brantford. If the technology has proven effective and you can cope with PCBs so that you do not have to put that kind of money into storage facilities, it is money well spent.

**Hon. Mr. Parrott:** Better still, instead of transportation, there are so many "goods" to this if it will work. Nothing would please us more if they could be destroyed on site with this machine, and we will do everything we can. I think we have gone a long way in a short period of time to do so.

**Mr. Scott:** Unfortunately, we are looking at all the technologies we can and always with the hope that there is a miracle hiding under the bushes that we can get into place. But even with this one, our most realistic estimate, given no funding problems at all which I think is quite possible, is that we are still looking at about three years. This is a problem with most of the technologies we are looking at now. It is hard to guarantee that you can give the kind of safety assurances that are absolutely necessary before you would ever dream of putting these out for commercial use.

**Ms. Gigantes:** I am still rather puzzled that there has been no patent search in the United States and there is one company whose patent has been picked up through the federal government and there is developmental work taking place at RMC. Do we know whether any other companies are doing

this kind of development in the United States? Do we know for sure that this is the most advanced work that is being done by any company?

**Hon. Mr. Parrott:** On a plasma arc concept?

**Ms. Gigantes:** Yes.

**Mr. Pitura:** No. We are not aware of any companies because I am sure, if there were they would have been knocking on our door or articles would have been written in various technical journals. There have been presentations and various conferences both on this side of the border and south of the border. We send people regularly to find out what is going on. We have someone in Newark, New Jersey, tonight, listening to a report of what we hope is some new technology.

**Ms. Gigantes:** But how is the American government treating this technology? Is it treating it with the same emphasis as is the federal government?

**Mr. Pitura:** The United States federal government?

**Ms. Gigantes:** Yes.

**Mr. Scott:** Perhaps I can help. I asked this question of the professor at the time. He said: "It is interesting you should be doing it for the Royal Canadian Navy. What about the United States Navy? Who is doing it for them?" Perhaps they have the same bureaucratic problems that all governments experience, because I understand the United States Navy was watching his experiment at the RMC.

**Mr. Pitura:** They have. There has been a fair amount of money spent in the United States testing various applications of this technology in Carolina. I am not too sure who funded it—I think it was in the order of \$1 million or \$2 million—but there still has not been the type of data we desire for something like PCBs.

**Ms. Gigantes:** But do you know whether the Environmental Protection Agency, for example, is considering this technology as one of the best technologies for dealing with PCBs?

**Mr. Pitura:** No. This is a developing technology. I do not think anyone can say it is the best. It is in the research and developmental stage. It is not on the shelf, ready to be applied. If it were the best, I am sure the Americans would have been embarking on something similar, but they are still looking at rotary kilns or cement kilns. For example the US Environmental Protection Agency has been very interested in what we are doing here in Ontario on cement kilns.



Mr. Eaton: They are still looking at burning them in Bay City in an ordinary furnace at the Chev plant. They are having a big fight over there about it.

Mr. Pitura: They are no further ahead in that regard than we are.

Ms. Gigantes: Do they produce a survey annually that indicates what kind of work is being done across the United States on the elimination of or dealing with PCBs?

Mr. Pitura: They publish periodically in various journals, such as the US Federal Register and that sort of thing.

Mr. Wildman: Mr. Chairman, on a point of order: How long will the bell ring before the vote?

Mr. Chairman: I think we should adjourn and begin tomorrow at 10 o'clock.

Ms. Bryden: Mr. Chairman, on a point of procedure: In order to keep on with that timetable, could we go on to the liquid industrial waste as scheduled for tomorrow and move the balance of this vote to the spare

morning at the end of the estimates? We have three hours there.

Mr. Chairman: Mr. McGuigan wants to speak on this vote.

Ms. Bryden: All of us do. We have barely got going on this vote. Either we stick to the schedule and move this into that spare time or we just fall behind.

Ms. Gigantes: You had a special session planned for tomorrow?

Ms. Bryden: Yes, on liquid industrial waste.

Mr. Gaunt: If we could stick to the schedule, we could pick this up during the three hours at the end.

Ms. Gigantes: This is the item you were concerned about.

Mr. Gaunt: That is right.

Ms. Gigantes: And we have discussed the likelihood that vote 2102, miscellaneous, would fall into the three hours.

The committee adjourned at 10:20 p.m.

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Publications

No. R-25

# Legislature of Ontario Debates

## Official Report (Hansard)

**Standing Committee on Resources Development**  
Estimates, Ministry of the Environment



**Fourth Session, 31st Parliament**

Wednesday, June 4, 1980

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC



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# LEGISLATURE OF ONTARIO

## STANDING COMMITTEE ON RESOURCES DEVELOPMENT

WEDNESDAY, JUNE 4, 1980

The committee met at 10:10 a.m. in committee room No. 2.

### ESTIMATES, MINISTRY OF THE ENVIRONMENT

(continued)

**Mr. Chairman:** All parties are represented. We are on vote 2102.

**Ms. Bryden:** Was it not agreed we would go on to liquid industrial waste and postpone that?

**Mr. Chairman:** Mr. McGuigan wanted to speak on this particular vote. Then we will pass it.

**Ms. Bryden:** Then we will go on to liquid industrial waste.

**Mr. Gaunt:** Then do we stand down vote 2102 and come back again?

**Mr. Chairman:** We would like to complete it, if we can, according to our time schedule. I thought he wanted to speak on this. Let us give it half an hour.

**Mr. McGuigan:** Perhaps we are in error. I was going to speak on liquid industrial waste. That is what I wanted to do.

**Hon. Mr. Parrott:** That is what we are going to be dealing with this morning.

**Ms. Bryden:** That is supposed to be scheduled for this morning.

**Mr. Chairman:** That is vote 2103.

**Hon. Mr. Parrott:** Vote 2104.

**Ms. Bryden:** I do not think most of us have finished with vote 2102. There are still a lot of subjects there, including air and water resources and environmental assessment. Last night it was suggested we stand down for that empty morning on the last day and carry on with vote 2103, under which I understand liquid industrial waste would come.

**Hon. Mr. Parrott:** Vote 2104. I do not care if you want to do it. I am ready to go with liquid industrial waste this morning, but it really is vote 2104.

**Ms. Bryden:** Regardless of what vote it is, the subject was agreed to in the schedule for this morning.

**Mr. Chairman:** It is agreed we go to 2104, waste management program. Mr. McGuigan.

On vote 2104, waste management program:

**Mr. McGuigan:** The minister can no doubt anticipate my concerns. As the member for Kent-Elgin, I must relay the fears, doubts and feelings the people of Harwich and the surrounding municipalities have about the establishment of a liquid waste solidification plant in Harwich township. We have repeatedly asked the minister for funding for these people who feel they are in a no-win, David and Goliath situation. I wish to point out two items of concern, to give some balance to this presentation.

I feel, and I believe our party feels, that solidification is the best technique available today to handle this problem, although we are looking hopefully to new methods and would certainly encourage the minister, along with the federal people, to put in whatever money, time and testing are necessary to find new methods. We realize, though, that it will be some time before alternative systems are available.

Secondly, we agree that the present system of codisposal is unsatisfactory, although it is a step up from the previous indiscriminate dumping of liquid waste. But the people of Harwich and the surrounding municipalities are really offended by the method of selecting the site. The site was selected in 1969 or 1970.

**Hon. Mr. Parrott:** By whom? I am going to be insistent this morning. I am sorry, but it is an opportunity to get some real hard facts on the table. I am going to have to interject on those kinds of things because there are some inferences which have to be clarified. Who selected that site? Who requested it?

**Mr. McGuigan:** I must tell you I really do not know who selected it.

**Hon. Mr. Parrott:** Then may I get some testimony on that? I think that is one of the keys. There are several key things here we have to know about, Mr. Turner.

**Mr. Turner:** I am Ed Turner from the waste management branch.

I believe the site was first started in 1962 by Doey Sand and Gravel. It was started as a site for disposing of domestic refuse or garbage. It was purchased subsequently by Sasso Disposal Limited and operated as the Ridge Landfill Site for a number of years. Then I believe in approximately 1976 or 1977 a major interest in the site was bought by Browning-Ferris Industries.

**Hon. Mr. Parrott:** What was the township's role at that time?

**Mr. Turner:** Prior to 1971, when the Environmental Protection Act came into force, the Ministry of the Environment really did not have a major role in approving sites. The role of approving sites was carried out by the local Ministry of Health office and the local council.

**Hon. Mr. Parrott:** Right. I think we have to make it clear this morning that the local council was intimately involved with that site's originating where it is today. Somehow or other that has got lost a little bit. Are we clear that the council of that day—God bless it; I am not criticizing it—was intimately involved in establishing that site in Harwich township, and not the Ministry of the Environment? That is one of the keys.

**Mr. McGuigan:** I think it is very important that we have that testimony. I am very happy to have that chronology, but I do not see it as being a key because it happened quite a number of years ago before the time of very few, if any, of the present council.

**Hon. Mr. Parrott:** It is in the light of some of the press releases of your leader about the secrecy of how it started. That bothers me a great deal. I am not going to argue about my competence but, by God, I am going to argue very strenuously this morning about secrecy. I might as well tell you that right now, because there was no secrecy. It was established under their jurisdiction, not ours.

**Mr. McGuigan:** I am not attacking you personally, but there is no issue. We have talked about it very briefly. There is a lot of information that has to come out, and nobody is more determined than I to have it come out. We will try to give you as much information as is humanly possible. I want to put away any possible charge of secrecy. Competence, I cannot deal with. That is a subjective judgement and to each his own.

**Mr. McGuigan:** I will come to that later, and I thank you for the information. In spite of what that information conveys, very few people were even aware of the site in the original days. I can recall when Doey

Sand and Gravel started the site. I was not aware of the particular year. At the time there was not much awareness of the problem, but people began to be aware when they began to see a miniature Mount St. Helen's growing in their midst. You have to realize it is very level country there and any elevation can be seen by people from quite some distance. About the first awareness people had was when they started to see the pile grow.

10:20 a.m.

**Hon. Mr. Parrott:** Does that not also destroy the business of secrecy, Mr. McGuigan? It was not a screened site, as I understand. It is one very visible site.

**Mr. Eaton:** Did the township residents haul their refuse there too?

**Mr. McGuigan:** Oh, yes.

**Mr. Eaton:** Do you mean the township residents hauled their garbage there and they were not aware of the site? That just does not follow.

**Mr. McGuigan:** There is one particular part of it of which they certainly were not aware, namely, that there was a licence to receive liquid industrial waste. Perhaps in some file there is a record.

**Hon. Mr. Parrott:** Council very definitely knew of it. Would you not agree I have to answer for my predecessors? I accept that. That is our system of government. The present council cannot say it was not aware of the licensing of that site and what it was licensed to do. They very definitely knew.

**Mr. G. I. Miller:** The member has to answer too. He has to go back and answer for what has happened in the area.

**Hon. Mr. Parrott:** I agree. As long as we are operating from what I think to be the facts about the situation, then I accept that completely.

**Mr. McGuigan:** That is the only way I want to operate.

**Hon. Mr. Parrott:** I agree. I understand and accept that.

**Mr. McGuigan:** One of the things that has come out since the second proposal is that a great deal of this liquid waste was taken in at night. I hope you will let me go through this before you blow off.

**Hon. Mr. Parrott:** I am not going to blow off. If you are saying things that are not facts, I will make note of them. I will remain quiet, but I want to come back to it then.

**Mr. McGuigan:** What has added to the suspicions and the unknown facts, some of



which you have brought out, is that many of these liquid waste trucks went in at night. There are reasons for that. I have talked to the haulers. Very often they pick up their load in the evening from a factory when the shift ends. The only time they can take out these reagents is at night. They do not want material in their trucks overnight because many of them are acidic in action and the acids are going to attack the interior of their tanks. So they go there at night to dump them. I am not saying there is any conspiracy whatsoever.

Some of the local people have seen this activity at night and have now used that in their own minds to conjure up thoughts that there was an attempt to hide things. It is just part of this whole system of mistrust that exists. I believe the minister, perhaps unfairly, bears the burden today of trying to create a climate of trust. I have certainly been as open and as fair as I know how to be in talking to the people because as a matter of strategy one ought to know one's enemy when fighting him. I have tried to let the people know what the problems were when fighting them. But these things have led to some of the mistrust that exists today.

The local people are offended because they have a solid waste plant in an agricultural area and because the government is a coproponent in establishing the solidification plant more or less on the basis that the site is already receiving this waste. The area is already nonagricultural because it has been set aside as a disposal site.

That argument might have some validity if the local people could see a possibility that the plant would close down at the end of the five-year period, but my constituents cannot believe that a multinational company would spend \$3 million—that is the figure at the moment, which will probably rise because costs are rising—on such a short-term project, nor can they see any alternative if perchance it is decided to close down the plant. There is no other system in place to take the liquid waste. What do you do in five years if you decide this isn't the best? It may not be satisfactory, but the material is still going to be produced. They cannot see it being closed down.

The ministry also says it will remove the solidified product if there is a problem. The question pops into mind, where would you move it? You say you would move it to a secure landfill site, but we don't know where that landfill site is, nor do we know what further environmental risks there would be in moving the product.

Forgive us if we are pessimistic, but we see the plant continuing, even if it is not entirely satisfactory. We also see the combination of the two dumps, the solid waste and the liquid waste dumps taking up over time more land than the present 215 acres. More agricultural land eventually will be taken.

The minister is preoccupied with his task, and we have a certain amount of sympathy for him because the problem must be solved. We realize that. But the farmers who have farmed this land for generations have a very strong emotional attachment to the land. Their ancestors came from Britain and Europe where ownership was denied to their families, even if they had the money to buy the land. In Europe, the land was just not for sale because of the social and economic system.

I don't know if the minister is a land owner. I know he is in the horse business.

Hon. Mr. Parrott: I am a land owner.

Mr. McGuigan: I figured you must be if you own horses.

Mr. Gaunt: Did you get your farm tax rebate?

Hon. Mr. Parrott: I am a legitimate farmer. I made far more on farming last year than on orthodontics. But I lost money on both.

Mr. G. I. Miller: How about as a member?

Hon. Mr. Parrott: I happened to lose money on both; I just happened to lose less on farming than on orthodontics. That is hard to believe, isn't it?

Mr. McGuigan: Eight thousand bucks?

Hon. Mr. Parrott: My gross was okay, my net was a little poor. I have learned from the farmers of my community. Nobody knows better. They are a smart breed.

Mr. Gaunt: The woeful tale of farmers.

Hon. Mr. Parrott: That is right. I am one of them.

Mr. McGuigan: As a land owner, you must realize the emotional strings between a farm family and its land. It is living, breathing, real property, just like one's horses are. While the land won't win any races, it has to carry the human race. There is that great emotional concern. I hope you can understand why my constituents feel the way they do.

You have missed a good opportunity to defuse some of the issue. You could have provided funding. Assuming that as coproponent you won your case, you could have said to the people, "We gave you your day in court

and we provided for your public defender." There the matter would have been settled. It would not be settled for those people in the immediate area. I would not ever be satisfied if it was in my backyard, nor would you, but at least the public in general would, I think, have been satisfied that these people had been dealt with fairly. I feel you missed a good opportunity.

**Hon. Mr. Parrott:** I will come back to that.

**Mr. McGuigan:** A good military tactician always leaves an opening for the other side to escape.

10:30 a.m.

**Hon. Mr. Parrott:** With respect, it is 40 miles wide right now. They understood the process. It is hard not to interrupt, because if I don't we lose some of the dynamics of what you are saying. I wish I could respond, but I will come back.

**Mr. McGuigan:** I say you have missed this opportunity because the neighbouring municipalities are now rallying to the side of Harwich. Raleigh offered \$20,000 just the day before yesterday, Bleinheim has offered \$10,000 and Harwich will likely put up a large sum.

Another area of concern is the matter of perpetual care. You have mentioned the possibility of a perpetual care fund, yet we see nothing in the regulations.

What happens if Browning-Ferris Industries go bankrupt? What happens if they abandon the site and leave an unsatisfactory situation in place? I am not speaking about 20 years down the road. What happens 50 years from now? Who pays for the cleanup or, as is more likely, who pays for the safe containment of the solid and/or liquid industrial waste? Who will make the decisions on these matters?

I suggest to you that for every litre of liquid that goes into either the present disposal site or the proposed solidification system a royalty payment should be made to a perpetual care fund. The trustees of the fund should have county, township and local representatives. This money should be available for cleanup and remedial action, for containment costs and for compensation should the local residents suffer losses in property values.

One must face the issue of property values. Consider for a moment what would have happened if, instead of using that land for a dump site, we had been so fortunate as to strike oil or gas in the township. As I under-

stand it, under a pooling arrangement worked out between the developers and the Ministry of Natural Resources, all the land owners in the vicinity would share in the good fortune. The abandoned gas field in Dawn township in Lambton county, now used as a storage field by Union Gas Limited, pays a certain annual royalty to all the land owners in the area.

With a dump site we are dealing with the reverse of that situation. The mere presence of the site casts a shadow on all the surrounding land. Only time will tell how far that shadow will reach and only time will tell how intense it will be, but the residents have good cause for fearing that the value of their land will be reduced.

People won't want to build in the area. In the event that a family wishes to sell its land—

**Hon. Mr. Parrott:** For farming or for housing?

**Mr. McGuigan:** For farming. It is not a housing area. But even farm owners and other people there who have a right to build won't want to build because of the shadow on this area. People who farm it 50 or 100 years from now will want to live some distance from the land.

I think we should have a system in place to protect the local people if it becomes necessary. Vague promises just won't reassure these people. If we had a heritage fund—and I hesitate to use such a word, but it is something we can all understand—it would at least give some assurances to the people.

I want to close by assuring you that the people of Harwich are very good people. There have been suggestions and hints that they are not willing to carry out their civic responsibilities.

**Hon. Mr. Parrott:** If there were hints of that—and they were not made by me—then there have been strident remarks about us. Let us put that one in perspective.

**Mr. McGuigan:** There have been remarks on both sides.

**Hon. Mr. Parrott:** Remarks on both sides. I am going to read some into the record. They are not hints; they are statements. By golly, I have not said I think those citizens are not responsible.

**Mr. McGuigan:** That is fine. I certainly wanted to tell you I believe they are responsible. They are willing to do their part for the environment. I know the heavier responsibility comes on your shoulders to do the part of all of society. Some of these things, I would suggest, are putting greater efforts

into reduction of waste at source. We have to decide whether certain chemicals are necessary and whether these things should be manufactured. I think we need a review board to determine whether certain chemicals should even be made.

I would point out, as an example, that the farmers have taken the brunt of some responsibility through the loss of DDT as a pesticide. It was one of the best pesticides from the farmers' standpoint and was such a persistent material. Because it was persistent, it got into other parts of the environment and necessarily had to be restricted. In its place we have materials that are far less effective for the job and far more dangerous for the farmer to use. The phosphate materials are very dangerous for the operator. They are less dangerous for the public. I would point out that farmers have participated in a system whereby certain chemicals have been banned.

**Mr. Riddell:** Just so long as you do not get too uptight on 2,4-D.

**Hon. Mr. Parrott:** What is your party's position on 2,4-D?

**Mr. Riddell:** I do not care what the party's position is. I will damn well put my position there is ever any suggestion on your part that it is going to go.

**Hon. Mr. Parrott:** Would we like to discuss that one right now, Mr. Chairman? I am more than pleased to discuss the position of the NDP and the Liberal Party on 2,4-D. Would you give me your party's policy?

**Mr. Riddell:** You will hear my position.

**Hon. Mr. Parrott:** I am not interested in your position, though not in the sense I do not appreciate it. I do appreciate your position, but what is your party's position?

**Mr. Riddell:** I am not sure. I do not recall discussing 2,4-D in caucus, so I cannot give you the party policy. That is up to Mr. Gaunt, if we have a position.

**Mr. Gaunt:** Oh, no.

**Hon. Mr. Parrott:** I am afraid we are getting close to home on this one, Mr. Riddell. You and I both know your leader frequently does not talk to either one of you, but takes a position. That is what worries me; that is why I want to know your party's position.

**Mr. Riddell:** They will be hearing from me in caucus, if they take a position without consulting us, I will tell you that.

**Hon. Mr. Parrott:** Good. But what can I count on from the Liberal Party and what can I count on from the New Democrats?

They need a policy for liquid industrial waste because 2,4,5-T is now classed as a liquid industrial waste.

**Ms. Bryden:** You were talking about 2,4-D.

**Hon. Mr. Parrott:** No, indeed we are talking about 2,4-D.

**Ms. Bryden:** But that is not a liquid waste.

**Hon. Mr. Parrott:** I would like very much to know in these estimates what your party's position is on 2,4-D.

**Ms. Bryden:** When we get to pesticides, but we are on liquid industrial waste.

**Hon. Mr. Parrott:** I did not interject that one.

**Mr. McGuigan:** Mr. Chairman, I am really finished.

**Hon. Mr. Parrott:** I am glad to know, though. That is helpful to have on the record, Mr. Riddell.

**Mr. McGuigan:** Well, I will tell you mine.

**Hon. Mr. Parrott:** Is it for 2,4-D? I may get a consensus here. Mr. Gaunt, I know you were for 2,4-D.

**Mr. Gaunt:** Are we talking about Harwich?

**Mr. Eaton:** We are getting off the subject.

**Hon. Mr. Parrott:** I am willing to talk about both of them. Which one do you want to talk about first this morning?

**Mr. Gaunt:** Let us talk about Harwich.

**Mr. G. I. Miller:** Let us deal with one problem at a time; that is enough.

**Mr. Eaton:** Mr. Gaunt does not have a position.

**Mr. Gaunt:** I did not say that. I just wanted to keep the process in order.

**Hon. Mr. Parrott:** Fair enough. And I do want to talk about Harwich.

**Mr. McNeil:** Would you not like to give us your position anyway, Mr. Gaunt?

10:40 a.m.

**Mr. McGuigan:** I did a back-of-an-envelope calculation as to how many people it would require to hoe the corn crop with a stick with a piece of metal on the end of it.

**Hon. Mr. Parrott:** Look a little more to your right when you are saying that.

**Mr. McGuigan:** That is the crop on which you can use 2,4-D because, as you know, corn is a grass plant and is not harmed by 2,4-D, whereas broad-leaf plants are harmed. So you get the selective weedouts. This was based on a couple of years ago, when our corn crop was less than it is now. I figured it would take half a million people,



and there are only 300,000 unemployed people in Ontario. It would take half a million physically able-bodied people, which really restricts the work force to the same type of people who can work in a mine, in a forest or in construction.

**Ms. Gigantes:** Is this the kind of agriculture we can expect if the Liberals come to power? Back to the hoe?

**Mr. Riddell:** If you paid them \$12 an hour, you would not get them out hoeing the crop.

**Hon. Mr. Parrott:** Nobody is arguing, Mr. Riddell. I just want to know the party position. I have 50 acres of corn. I am a little familiar with the problem.

**Mr. Riddell:** I am already on the record. If you recall, I asked you a question last year.

**Hon. Mr. Parrott:** Indeed you are, and I have not forgotten that one.

**Mr. Riddell:** I said, "You caved in to pressure on 2,4,5-T. Do not do the same thing on 2,4-D." That is on record. I am on record.

**Hon. Mr. Parrott:** I just did not know where the pressure came from in your party. That was disturbing me.

**Mr. McGuigan:** That is only one crop, the corn crop, that would require hoeing.

**Hon. Mr. Parrott:** Gosh, I wish the press were here. I would note a great split in the Liberal Party on certain chemicals in agricultural use.

**Mr. Riddell:** You do not know what our party policy is on 2,4-D.

**Hon. Mr. Parrott:** You just told me that on 2,4,5-T I caved in to certain pressures which I should not have.

**Mr. Riddell:** I have worked with 2,4,5-T and I am still living.

**Hon. Mr. Parrott:** I did not hear you say that when I needed you. Where were you?

**Mr. Riddell:** Maybe I was doing some riding work or something.

**Hon. Mr. Parrott:** You were planting some corn.

**Mr. McGuigan:** If that chemical or any other chemical is life-threatening to the people of Ontario, we have to stop using it.

**Hon. Mr. Parrott:** Agreed, but not until we are pretty sure of that.

Shall we go back to Harwich?

**Mr. Gaunt:** Yes.

**Hon. Mr. Parrott:** Mr. McGuigan, I want to take every single point you made very seriously. I am really pleased that you and,

I think, your party support solidification. I may on occasions turn to Mr. Gaunt as the critic. I am hoping that this can reflect the party position on it. I am pleased to know that solidification is the best method available today, in Mr. McGuigan's opinion, to deal with liquid waste.

**Mr. McGuigan:** The best we know of.

**Hon. Mr. Parrott:** I think there are others. We know that incineration is also a good one for certain things. But for those chemicals that, we are told, fit within parameters, solidification is the best. I think that is just excellent to have on the record.

**Mr. Haggerty:** The question is, where do you put it all?

**Hon. Mr. Parrott:** No, Mr. Haggerty. I think if it is the best in the world, and you are going to hear me talk about the best in the world on a lot of occasions in the next six months. That was what I put forward to this committee a year and one half ago and it is still my ambition. I think Mr. McGuigan very positively stated that he knows that is my intent, and I am pleased that is the underlying principle on which we are working. On that we have agreement.

I am not going to argue with all the things you have said, Mr. McGuigan. I have two or three things here on which I agree with you. We started with agreement that solidification is the best in the world. We also agree that codisposal is not good and must stop. I am unconditionally committed to that. It would have been done by now, had facilities been in place and if there were an alternative.

Let us look at the three alternatives which at present face us: codisposal, a dream for facilities—a dream is all we have at the moment, but I want it to become a reality—and clandestine illegal dumping.

**Mr. Haggerty:** That is where the problem is.

**Hon. Mr. Parrott:** I am being told that has happened frequently. Wherever I turn I am being told it is happening. But I never get any evidence of where and how. I wish those who believe it is happening would give us a little support in finding out where it is. We have done some investigation, but we all know that is very difficult to finalize.

**Mr. McGuigan:** If I knew of any, I would tell you.

**Hon. Mr. Parrott:** The inference goes on, though, and that is where we now start to separate. We have agreed on three things, Mr. McGuigan. When we talk about trucks coming in at night, the inference of clan-

destine disposal starts to rear its ugly head. There is nothing illegal about trucks going in there at night if they have a proper waybill. Yet the inference stays that somehow or other, when it is happening at night, it is less than legal.

**Mr. McGuigan:** No, I did not say it was less than legal. But it does create that impression among people. I said I realized there were reasons for it.

**Hon. Mr. Parrott:** Yes, but when your leader goes around talking about the black box—and he does it very effectively—he leaves no doubt in anyone's mind that it is illegal. It did not happen to be the case, but he leaves no doubt that it is illegal and clandestine, or however you want to label it. You started talking about fears and doubts. There is no one in this province who has spread more fear and doubt concerning the liquid industrial waste problem than your leader.

**Mr. Gaunt:** With respect, the Upper Ottawa Street dump did have a magic box.

**Hon. Mr. Parrott:** There is no argument about that, but it was not an illegal use relative to putting materials into that site. They were licensed as they are for codisposal. If products were coming from outside the region into there, that was illegal. But I did not argue that. But it did not make the black box illegal. If the products were coming from the appropriate places, they had the right to put those liquids on to that site. That was their right.

It is interesting to see that site has closed. You could say, "Where were you, Mr. Minister, and why did you not close it?" It was not my site. The local people made a decision to close it. God bless the solidification. But they have not made a decision as to where that is going. Where is it going? It is time for me to ask a few questions. Where is that material going? Is it being stored?

What people are forgetting continuously—and I mean continuously—is that there is another side to this coin. We are creating and we have the potential for creating Love canals, if we refuse to accept that those wastes are going someplace without being treated.

**Mr. G. I. Miller:** Did you say the Upper Ottawa Street dump was closing down?

**Hon. Mr. Parrott:** Yes, the solidification process is closed.

**Mr. G. I. Miller:** Where is it going then?

**Hon. Mr. Parrott:** I suspect the black box is disappeared because the process has

closed. Now they are codisposing, which we all agree is not good. But what else can you do?

**Mr. G. I. Miller:** Where is it going then?

**Hon. Mr. Parrott:** It is going on to a landfill site as a codisposal. It is not having the protection of solidification. They are licensed to do that.

**Mr. McGuigan:** On this very case of the black box and getting back to Harwich, the fact that the solidification plant is on the same site as the solid waste raises the fears of those people who are mistrustful of it that this same kind of thing could happen there.

**Hon. Mr. Parrott:** What could happen?

**Mr. McGuigan:** Suppose the solidification plant breaks down?

**Hon. Mr. Parrott:** You have forgotten the promise which I made and which I think the people believed when I was in Harwich. Remember that night? There were some rather interesting letters, though not necessarily reflecting your leader's views on this. I have some letters in my files that said, "We are unconditionally opposed to this site. We happen to think you are a pretty sincere, honest guy." That sure as hell is not what your leader said down there. Do you want me to quote? "There is no way I can trust the minister." This is the same day I said to you, Mr. McGuigan, "Were there any comments about trusting?" I suspected he had made those comments. No, there was not much comment about trusting. But he is saying there is no way you can trust the ministry.

I am willing to accept that. I understand the politics of the situation. I have been around here nearly 10 years. I know that we happen to be struggling for different positions in this House and I accept that. But I do not accept that the leader of your party will say and imply that I make the decision when he knows, I know, and you know that on the matter of the Harwich site I do not make the decision. It is a decision made by the Environmental Assessment Board. I cannot accept that your leader does not understand the environmental assessment process. I can understand that others do not but not that your leader does not. He has greater responsibility than that.

10:50 a.m.

**Mr. McGuigan:** You have to bear a responsibility for that.

**Hon. Mr. Parrott:** I do not make the decision about Harwich, and that is the value of the Environmental Assessment Board. It

is a citizens' board to protect citizens' rights. Nobody, but nobody, has yet cast a stone against the quality of that board—not a single person. I hear testimony from Ajax. They do not like the process. I understand all of those things. But when they say, "We have great confidence and faith in your board," I say, "No, not my board. I am glad to hear you say that, but it is the citizens' board." No one should misunderstand that. It is a citizens' board established to protect the rights of the citizens. Yet when we talk about spreading fears and doubts, those who could do yeoman service in this province to dispel those fears and doubts do not. That is when the level of responsibility becomes extremely important.

**Mr. McGuigan:** There were no things cast on the assessment board.

**Hon. Mr. Parrott:** No, indeed there were not. But the implication was that the minister has to take the responsibility for this, when indeed it is the Environmental Assessment Board which will finalize that decision.

There are some things that you propose, to which I hope the board will agree. I have already said that in Harwich and to the leaders of Harwich. I think they are good suggestions, not because we happen to agree on them, but because they are suggestions that do the right thing in our society.

Your leader says you cannot trust the ministry. The quotes are unbelievable about muzzles on our ministry staff and corruption in our ministry staff; and not once will he appear before this committee and say it eyeball to eyeball to the people whom he accuses. Those are the things, I tell you, that are destroying our society. I do not mind politics, but I do not want this democracy destroyed in the process. That is what is happening.

**Mr. Haggerty:** You could use that same principle about which you are talking with respect to the Glanbrook situation.

**Hon. Mr. Parrott:** No.

**Mr. Haggerty:** I think there had been assessment board opinion there.

**Hon. Mr. Parrott:** No. I get so worked up on occasion. You and I should understand the difference between Glanbrook and Harwich.

**Mr. Haggerty:** Either way you are disposing of industrial waste.

**Hon. Mr. Parrott:** No. Let me explain it to you one more time because it is fundamentally different. The Environmental Assessment Board can make a recommendation un-

der the Environmental Protection Act to Dennis Caplice, wherever he happens to be this morning, and he can act on it. The board makes a recommendation to Dennis Caplice. He is a civil servant. He does work in my ministry. I can understand the cloud that might be seen as hovering over us because of a recommendation made to a director of my ministry. But the Environmental Assessment Act is not that way.

Let me add one more thing to that. Under the Environmental Protection Act, a recommendation is made to my director, for which I have responsibility. Then, in a rather convoluted form of justice, the appeal arising from his decision comes to me. I am not particularly keen on that system of justice. That is why I like the Environmental Assessment Act so much better. That is why I have tried desperately to sell it to my county. They did not accept my advice—again, for political reasons—which bothers me a great deal.

Here is the most open act in the world, the greatest protection for citizens you can get in the world. It has been here for four years, yet people do not understand the fundamental principle of it, which is that an Environmental Assessment Act will allow an independent citizens' board not to recommend, but to decide, to add conditions and to direct.

**Mr. Haggerty:** This may well be the case, but this is where the mistrust follows.

**Hon. Mr. Parrott:** It is because you are sowing it.

**Mr. Haggerty:** No. Just a minute now. Is there the monitoring that should be as a follow-up on it?

**Hon. Mr. Parrott:** Monitoring on what?

**Mr. Haggerty:** On the industrial waste that is going in there.

**Hon. Mr. Parrott:** What place are we talking about?

**Mr. Haggerty:** I am talking about Glanbrook. I can make reference to the matter in which they wanted to put a solidification plant in the town of Fort Erie at the disposal site. I had people bring to my attention that there was illegal dumping carried on there. I know your staff in the area have gone in and made a search of the area to find out just what chemicals were dumped there. I know they were in the municipal waste disposal site in Port Colborne. The Ministry of the Environment staff in the area knows there is illegal dumping through the Niagara region and is trying to find out



where this stuff has been dumped or unloaded by illegal methods.

I agree with you that there should be some method whereby you have control of all the industrial waste that is being placed on the open market.

**Hon. Mr. Parrott:** If we get facilities, we will have it.

**Mr. Haggerty:** That is right. The key to this whole thing is to bring in the proper facilities. I know Fort Erie did not want it. I know other areas do not. Glanbrook was another one.

**Hon. Mr. Parrott:** Tell me one place that wants it and will accept it.

**Mr. Haggerty:** I would take a look at the amount of crown lands the province has and let them put it there.

**Hon. Mr. Parrott:** Where? Away up north?

**Mr. Haggerty:** I would not say up north but in southern Ontario.

**Hon. Mr. Parrott:** Sell that to the northern members of your caucus. Try to tell them that is logical; it is not, either because they do not have any of the jobs that are associated with it or because there are tremendous transportation problems. Sell that to the northern members of your caucus, and then we will look at it.

**Mr. Haggerty:** One of the problems in the Fort Erie area was that you were opening it up to the American market for disposal.

**Hon. Mr. Parrott:** Pardon?

**Mr. Haggerty:** Americans were coming in. You know this is being transported across the border.

**Hon. Mr. Parrott:** Let me stop you there. That is why I said, Mr. Chairman, I would have to interject. Where do you think the net flow of liquid waste is? Across the border to the US or to Canada?

**Mr. Haggerty:** It is going both ways.

**Hon. Mr. Parrott:** Which way is the net flow?

**Mr. Haggerty:** I would say right now it is going over to the American side.

**Hon. Mr. Parrott:** You had better believe it. Are you asking me to say there should be one direction in a pipe?

**Mr. Haggerty:** All I am saying is that it has to be taken into consideration.

**Hon. Mr. Parrott:** We know—thank God for our American friends—that they are accepting more than we are taking. Somehow or other you want to imply that it is the American stuff coming in here that is illegally dumped. Tell me, is that legitimate, when

they are taking more of ours and we have to depend on them for stuff we cannot get rid of?

**Mr. Haggerty:** I do not know what process they use in recycling. I suppose there are some profitable chemicals they can use. I do not know about this.

**Hon. Mr. Parrott:** No. We are talking about pure waste.

**Mr. Haggerty:** I am thinking particularly about Fort Erie. I just want to finish this point. This is where the problem arose in that particular area. The Love Canal scene came into the picture there.

**Hon. Mr. Parrott:** Yes.

**Mr. Haggerty:** I look at it this way: much of the Canadian waste from Ontario is going over there and is being treated or dumped in there untreated, but we are getting it back into our water system.

**Hon. Mr. Parrott:** You have shifted ground completely from where you started.

**Mr. Haggerty:** I do not know. I have an interesting book here. I will probably get into the Niagara Waterlog, a report that talks about the toxic chemicals travelling into our Great Lakes system. It could be coming from Ontario or from the American side, I do not know. I listen to what is going on on the American side, including the fact that the army had dumped very toxic chemical waste in the Love Canal site. There is a legal battle going on over there.

But I agree with you and support your views on this particular part. We must find someplace where we can dispose of this thing. It has to be acceptable, and it is going to be a tough job for you to sell it; but I think all of us have to be reasonable about it. I would rather have someplace in which at least I know that all the chemicals coming in are being catalogued and identified. I do not approve of every municipal dump site in Ontario being used as an area to dispose of this. This has taken place, and is happening right now.

11:00 a.m.

**Hon. Mr. Parrott:** I do not think there is a better opportunity to talk about crown land than right now. One of the crown lands identified in the MacLaren report, a place called Cayuga, is pretty close to the ridings of two members here. How do you feel about that? Is that the place for this disposal site?

**Mr. Haggerty:** I suppose if you took some of the money—

**Hon. Mr. Parrott:** It is crown land. You have been selling that concept. Do I hear this morning that Cayuga crown land is a good place for a liquid industrial waste site?

**Mr. Haggerty:** It has to be a good selling job.

**Hon. Mr. Parrott:** I did not ask how well it was to be sold. I know I will get a lot of opposition.

**Mr. Haggerty:** Sure you would, but I think, as a reasonable person, there should be—

**Hon. Mr. Parrott:** I would like to know your opinion. You made the proposal, and the member to your immediate left is pretty involved in that same area. It would be a good time to identify whether the concept of crown land is a saleable one, a viable one. Are you telling me that crown land in Cayuga is fit for a waste site under the Environmental Assessment Act?

**Mr. Haggerty:** Providing all the safety provisions are put in there, sure.

**Hon. Mr. Parrott:** Do you believe in the board?

**Mr. Haggerty:** I do not know. I cannot tell you about Cayuga; but I am saying if you do not have a site in some municipality, you are going to have to take a look at this thing.

**Hon. Mr. Parrott:** I am looking at it damned hard 24 hours a day.

**Mr. Haggerty:** I know of a situation in which they are considering the disposal of toxic chemicals in old abandoned gas wells. I remember raising the issue back in 1968, regarding the problem which arose when they did it down around Sarnia. Maybe we do not need all these chemicals we are producing today.

We talked about farming. Perhaps the hoe idea is the best there is, to go back to the forms of mechanical cultivation for farm lands. I have talked to farmers who have gone out and used sprays for corn for a number of years. They have found out that the corn they plant now does not give them the production they got when they first used the spray. They feel that maybe there is not enough research done in this area and that it may be damaging future crops in the agricultural industry.

**Hon. Mr. Parrott:** So you are not quite sure.

**Mr. Haggerty:** I read a very interesting article in the National Geographic about the herbicides and pesticides they are using on agricultural lands. It brings me deep concern, as do the results of what is done today.

**Hon. Mr. Parrott:** Let us have some answers.

**Mr. Haggerty:** I do not know what the answers are. I am not an expert in this area. We look to your ministry for that.

**Hon. Mr. Parrott:** We will give you some answers, but we need a little support. You object with no evidence to every single thing we put forward. You agree with the concept of solidification, but you say, "No, not here."

**Mr. Haggerty:** I do not say, "Not here," but I said we have to find places.

**Hon. Mr. Parrott:** You have not named one single place.

**Mr. Haggerty:** I suggested if we cannot find it here, then let us go up to Algonquin Park or someplace like that.

**Hon. Mr. Parrott:** Sell it to your northern members.

**Mr. Haggerty:** You may get some objections to it. But if they do not want it here, where are you going to put it?

**Mr. W. Newman:** Cayuga.

**Mr. Haggerty:** There are scientific articles now that suggest you can take it and dispose of it in the ocean bed. They even talked about nuclear waste, saying that this is one way to dispose of it. Whether it is the right way, I do not know. That is another problem area.

**Hon. Mr. Parrott:** Not for me. I want to know what I am doing with my waste. I do not want to pretend that I can dump it someplace and that it disappears. I want to know what I did with it. I want to know that to the very best of our ability we destroyed it.

**Mr. Haggerty:** Find proper neutralizers for it then. But the question is, do we need much of it in the beginning?

**Hon. Mr. Parrott:** That is a nice alternative to talk about, but it does not solve a single problem in today's world.

**Mr. Haggerty:** There is some question whether we need all the chemicals we are using.

**Hon. Mr. Parrott:** I am not arguing that case.

I would like to come back to where we started on Harwich township.

**Mr. Riddell:** Before you do, let me say I do not think your attack on our leader can go completely unchallenged.

**Hon. Mr. Parrott:** I hope not. I would like to discuss it at length. I would like him here, too.

**Mr. Riddell:** I think his statement about the lack of trust in you or the ministry has a foundation.

**Ms. Gigantes:** Why do you not go somewhere else and discuss it?

**Hon. Mr. Parrott:** It may be founded, but he misled the people. Mr. Chairman, if I have said that in the sense of the rules of this House, I withdraw that remark. Have I? All right, let me withdraw that remark. I do not want those kinds of side issues to cloud the essence of what we are talking about. Let me say then, in response to that, that indeed it is implied—no, it is stated very positively—that I am not trustworthy. I can live with that, but not when he and I and you know it is the board that makes the decision. They are trustworthy.

The implication is that we are not trustworthy. He has never put any of that information forward to us. He said that only under a judicial review would he be interested. There has been a court case. He could have put it to the court. It has not happened. It is the board that makes the decisions. Why not go down to the people of Harwich and say, "Here is a trustworthy board. Do not trust the minister"? I can live with that very easily. But why not tell the people he believes in the process and the board?

**Mr. McGuigan:** He did. I heard him say that.

**Hon. Mr. Parrott:** The board? Then did he say they will make the decision?

**Ms. Bryden:** Mr. Chairman, since the Leader of the Opposition is not here, should we not be discussing what the members who are here want to discuss about Harwich? If the Leader of the Opposition wants to discuss it, he can come and do it.

**Mr. Gaunt:** I am sure my leader would be pleased to come in and defend himself at the appropriate time.

**Hon. Mr. Parrott:** I would love to have him here with staff. I would like him to be eyeball to eyeball with my regional director in a central west region and to say there was somebody on the take.

**Mr. Gaunt:** I will tell him of your invitation.

**Mr. Chairman:** We will accept that, Mr. Gaunt. I think perhaps we should turn to you now.

**Hon. Mr. Parrott:** We have not begun to finish Harwich.

**Ms. Bryden:** I wanted to get in on Harwich particularly.

**Hon. Mr. Parrott:** That is the trouble. It is great to make the first half of the presentation. Right?

**Mr. McGuigan:** I welcome your remarks.

**Hon. Mr. Parrott:** I think we have dealt with at least half of them.

You ask what do we do at the end of five years? May I very quickly refresh this committee's memory on what our overall plan for the treatment of liquid industrial waste is? There were some very key points in that seven-point program. It was a beauty.

First of all, we knew we needed a cradle-to-the-grave concept and a waybill system. The other provinces are now just forming committees to talk about waybills. I said a year ago, "Let us get on with the job. We will worry about the improvement of classification. We will get it done." Waybill system classification is well on the way.

The next thing we said was we needed some short-term solutions so that we could stop this codisposal. That is why Ajax is going to industry and choosing solidification processes. Having done that, we then said, because that will take care of the program for five years or a large portion of it, we will put in all the monitoring systems that anyone can demand so that we can have a short-term answer, which we desperately need.

We have not said forever for solidification because we think it is not good, but because we want to be able to say to the people of this province, "We are positive it is good. If it works, and we all think it has that chance, we will tell you at the end of five years." It was not a cloud on solidification. It was an attempt to be trustworthy, to be open and to tell the people what happens after five years' experience in solidification. It was a short-term solution, and rightly so, in order to be open and to be trustworthy. But we have to test it. We have to do that in a few other places with a few other things, e.g. Mississauga. That is what our short-term plan was.

We then said, "Let us look at this province as a whole, at its problems and their solutions." How many dollars have we spent so far on MacLaren?

**Mr. Giles:** I do not know. I will have to get that.

**Mr. Pitura:** In the order of \$220,000.

**Hon. Mr. Parrott:** About \$220,000 was spent to tell us what would be the best in the world. I do not want second-best for this province, I want the best in the world. That is what we are going to have.



**Mr. McGuigan:** You left off at the end of five years.

**Hon. Mr. Parrott:** That is where the long-range view starts to come in. That is why we hired Mr. MacLaren to tell us what would be the best in the world, so that we could go to the people and say, "We have a short-term and we have a long-term, best-in-the-world concept of treating our liquid industrial wastes."

Mr. MacLaren developed that first report, saying, "Here are some areas to look at, here are some concepts." The next idea, the next thing, is to say, "What are the best technologies? Look at the world and tell us what we need in Ontario." Then we can go to the people with it and, eventually, go on to site specifics. So we have an immediate action, we have short-term solutions which you accept, and we have a long-term plan for the best-in-the-world treatment that we can get for our liquid wastes.

We will be as open as is humanly possible. I will not make those decisions; it will be the Environmental Assessment Board which makes them. I think that is a great plan. I can understand why we have to fight about it on occasion, but I cannot understand the word "secrecy."

11:10 a.m.

**Mr. McGuigan:** What do you do or what does the board do or what do I tell these people, if at the end of five years things have not worked out as well as you had hoped they would work out?

**Hon. Mr. Parrott:** Let us then jump down to your concepts of perpetual care. It is a good thing to be able to come back to an area on which we totally agree.

You said, perpetual care. Need I remind you that we are establishing that very concept as part of our total package of the best-in-the-world treatment that we can effect here in this province? We agree completely and utterly with you on perpetual care. I said in Harwich—and I think you have heard me say in Harwich—that I think it would be a great thing if the board would direct that a per gallon charge be paid to the municipality which accepted that waste.

Extra roads may be required. There certainly have to be iron-clad guarantees to the people who are around that site. Nothing short of that would satisfy me. A per gallon charge is legitimate as hell. We completely agree with you. It is up to the board. Make the case in front of the board. I cannot imagine citizens' boards not responding by

saying, "Right on." That is what the people deserve, and I will bet they get it.

**Mr. McGuigan:** Why could you not pass regulations now?

**Hon. Mr. Parrott:** That there will be a perpetual care fund? Government policy is established on perpetual care. Let me cite you a few illustrations wherein we did not need regulations to be passed. I can give you two of them.

I can tell you that in Oxford county, pretty close to home, we gave the lion's share of money to a project to offset a municipal garbage problem that we did not create. We are putting in the lion's share to supply water to seven residents. You could say, "You were pretty parochial, Mr. Minister. Of course we would expect it to happen in Oxford." Let us talk about Dowling for a minute.

**Mr. McGuigan:** The thought never crossed my mind.

**Hon. Mr. Parrott:** No, but it is a legitimate thing. Let us then go to Dowling. To solve a seven year old problem, I just spent a cool \$1 million on about a half of the people.

**Mr. McGuigan:** I do not know where the place is.

**Hon. Mr. Parrott:** Dowling is just west of Sudbury. I had an agreement in writing, in blood, from the people of that community that they would take \$500,000 from this government and go away and solve the problem. We thought we could do it differently with much less money. They said, "We cannot accept it. You are doing it on the cheap."

I said, "All right, tell me how much it will take to do it to your satisfaction." They said \$500,000.

I said, "Done. Send me a letter."

They did and they agreed to.

It is now \$900,000. And did this government bat an eye? I went to cabinet last Wednesday and got \$400,000 extra in less than 30 seconds to solve a problem that is seven or eight years of age. Yet someone can say to me that we are not interested in solving problems and putting our money where our mouth is.

I gave you two quick illustrations of how this government will put large amounts of money forward to help the citizens of this province solve a liquid industrial waste problem.

**Ms. Bryden:** The problem got worse due to the long delay. It probably cost you more because of the delay.

**Hon. Mr. Parrott:** It did not get worse. That is rather interesting. We have yet to

find one single trace of PCB material in the containment well.

**Ms. Bryden:** That has just been installed, has it not?

**Hon. Mr. Parrott:** It has been installed and has been operating for some time.

**Ms. Bryden:** What about in the soil?

**Hon. Mr. Parrott:** Of course they are there. How could they not be there? There were many gallons dumped there. It got worse but not by the procrastination of this minister and not by the procrastination of this government, it was the procrastination of the company involved. That is why Bill 24 arrived here. Talk about dynamic action; in a year and one half, we have had it.

Bill 24 would have solved that problem.

We saw a problem that was not being addressed, so we brought in the legislation to do so. Because we cannot bring in retroactive legislation, we put our money where our mouth is to solve those problems which we could not solve, and which would have been solved by an earlier Bill 24.

**Ms. Bryden:** We still do not have an overall perpetual care system in place, though. That is two instances.

**Hon. Mr. Parrott:** Indeed we do not, but it is coming. In site specifics, the board could recommend a perpetual care fund now.

Listen, I have taken a long time on this, and I am ready to yield to time because I know there are other points of interest; and I think we should. But I hope that I put a few of your fears to rest.

The one that I will conclude with, Mr. McGuigan, and the one that bothers me most, is your saying that we missed an opportunity to defuse; that one is the one that makes me cry. Here is the scenario. In retrospect, knowing how desperately I want liquid industrial waste treatment facilities, and knowing what a key to it solidification is, when I look back and see what I did, and see the scathing condemnation of myself as minister: "Parrott's ministry rated incompetent on waste issue,"—you have seen that and have probably read it in the Free Press as carefully as I, it has created some real problems—I say, "Parrott, how did you go wrong?" I do not know.

Here is what we did: We told the world that we had a seven-point program, and that we were committed to solidification. Everybody should have known that means there has to be a place to do it. We then commissioned the study to talk about it. We brought industry in and said, "Where?" Industry said, "You need two—not three, not four, but two." Tough decisions were made. Where to go?

One of the sites was Harwich, and Harwich has been unbelievably vocal. The other one—where is it? Do you know, Mr. McGuigan? Do you know the other spot? I am not trying to be a smart-ass right now.

**Mr. McGuigan:** It is in Walkers' quarry.

**Hon. Mr. Parrott:** Right. How much news is there on that one? Thank God. I hope it goes through, because nobody wants solidification more than I do.

But when we decided Harwich was to be one of them, we called the reeve and said: "Mr. Reeve, a present site is being selected to be upgraded, but we want to make sure there is no misunderstanding about this. You are getting advance notice. Second, we will come and explain it to you. We will then establish a liaison committee with the citizens. We will then establish information centres. But the key is, we will put it through the environmental assessment process, the world's most open process and the process that will allow citizens to make the decision."

You go through that scenario, Mr. McGuigan, and tell me where, by dint of effort, or by openness or even by competence, this ministry could have done the job better, considering we eventually had to come to the bottom line of saying, "There is a spot for the process."

**Mr. McGuigan:** There are a couple of points in that MacLaren report.

**Hon. Mr. Parrott:** Let us deal with Harwich, and with your comment that makes me cry, that we missed the opportunity to defuse the issue. The funding would not have done it.

**Mr. McGuigan:** I think you did miss the opportunity.

**Hon. Mr. Parrott:** How? Tell me where I went wrong then. Tell me where incompetence becomes a part of it.

**Mr. McGuigan:** The whole process is new.

**Hon. Mr. Parrott:** Agreed.

**Mr. McGuigan:** And new things, the unknown, are always feared.

**Hon. Mr. Parrott:** Agreed.

**Mr. McGuigan:** You start with that base.

**Hon. Mr. Parrott:** But how I can answer those questions without going through the process? How can I answer the problems of solidification if I do not do it in Harwich, in front of the Environmental Assessment Board? How can I answer those questions?

**Mr. McGuigan:** Let me add this point—I made this analogy before and you rejected it—that people look at this as a semi-judicial or court system. Nobody is questioning the

court, but if any of us were defending ourselves in front of the court—what is it they say? “The person who acts as his own lawyer has a fool for a client.”

Mr. Eaton: He has a fool for a lawyer.

11:20 a.m.

Mr. McGuigan: If any of us were in a defensive position, we would get the best lawyer we could afford.

Hon. Mr. Parrott: May I address that for a minute? Do you know what the leaders of that community said to me? I think this is absolutely correct.

I want to make one correction to what I have said; my deputy reminded me. I am very willing to retract when I make an error. I will come to that in a second.

One of the leaders of that community said to me in my private office, “Parrott, we do not give a hoot what you tell us. It is not coming here. The facts mean nothing. We are not going to have it.” They did not use the word “hoot.” I will retract that. They just said, “Under no circumstances will we have it.”

I said, “Do you mean you will not let the board hear the evidence?”

They said, “We will hear it, but our minds are made up.”

Ms. Bryden: Mr. Chairman, the Liberal members and the minister have taken an hour and 20 minutes of our hearing today. There is not much more than an hour left. Is it not time that our party was given an opportunity to speak?

Mr. Chairman: It is a very important subject.

Mr. Riddell: The shoe has been on the other foot many times.

Mr. Chairman: That is right. I want to be fair. I want to leave it open.

Mr. O’Neil: We sat here and listened patiently to them.

Mr. Eaton: That’s for sure.

Ms. Bryden: Today I think we agreed it would be one subject. I think we are entitled to half the time—more than half the time.

Mr. Chairman: I know. But in fairness, I think it balances out pretty well, because there have been certain votes on which you people have taken more than your fair share of time.

Ms. Bryden: At the moment we have not had any share of time.

Mr. Chairman: I realize that, but this man is still not finished.

Hon. Mr. Parrott: The only thing I can add to what I have said is the correction: We tried to tell your reeve ahead of this the committee’s being told. I accept that, to have that done, but it was not done. He was told within hours or within a day of the committee’s being told. I accept that, as the correction. But it does not mean we were secretive.

Mr. Riddell: But to try to defuse the issue, as my colleague has indicated, and to allay the fears of the people, why would one of your ministry officials not attend the hearings of the citizens’ groups in Ajax?

Hon. Mr. Parrott: What?

Mr. Riddell: Maybe he did. But I attended one of the hearings—there were about 1,000 people who turned out—and I do not recall seeing any ministry officials there to get up and present their side of the story. The thing that surprised me was that your Conservative colleague, who represents that bloody riding, did not see fit to attend that particular hearing, which I attended.

Hon. Mr. Parrott: That was one hearing, but it may have been called by an inspired person. I did not attend an inspired meeting in Niagara Falls once at which, I think, Mr. Gaunt had an opportunity to be. I am not quite sure I was entirely wrong in not appearing. Let me tell you what we did in Ajax.

Mr. Riddell: But I think you work on an assumption; when these meetings are called for the citizens living in the area to come in to hear what is going on, you are assuming they are all objecting to it.

Hon. Mr. Parrott: No, no.

Mr. Riddell: I m saying that if there were somebody there from the ministry who would get up to give their side of the story, it would help.

Hon. Mr. Parrott: Do you know what happened at Ajax? I went down there on the opening day, and I am not pretending to have done that particular job well, but we invited all the media. We then had an open house for one solid week in a very public place, a large shopping centre, to do just what you said. We did not do it just to hear the objectors but, indeed, to put the whole program to them. We had visual aids, and we had people who could deal one on one when the people came in. It was there for a solid week.

Mr. Riddell: What was your response? Did you have people coming out?

Hon. Mr. Parrott: Oh, sure. We did not have nearly as many as I wanted, but I do



not think it is quite legitimate to say that we did not attend meetings. We have been at meetings like you would not believe.

**Mr. Riddell:** That may well be. I was accompanied by Mr. McGuigan, I believe, at that Ajax meeting.

**Hon. Mr. Parrott:** Sure. But who called it?

**Mr. Riddell:** I think there was a comment made at the time, as I recall—

**Hon. Mr. Parrott:** I can understand that.

**Mr. Riddell:** —that the local member was not interested enough to come out to it.

**Hon. Mr. Parrott:** That is grossly unfair. That is a terribly unfair thing to say about Mr. Ashe. Nobody has dealt with a problem, in my opinion, more responsibly than has Mr. Ashe. He insisted, for instance, that the Premier and I see the citizens' groups. He did not say, "I think it is a good idea." He said, "You must see our citizens' group"; and he got zero credit for laying down the law to the Premier and the minister that we must see them. There was no recognition of that. The recognition was a nice cartoon in the paper suggesting that he had just sold out. Nothing could be further from the truth. He attended the open house. He has had his secretary at the hearings. The guy has spent endless hours trying to understand legitimate concerns and legitimate proposals. But I do not think he has had the recognition he deserves. He has been there many times. He really has.

**Mr. Riddell:** That's fine. I can only go by what I observed at that particular meeting.

**Hon. Mr. Parrott:** Yes. On the basis of one meeting, I can understand that. But to put it all in perspective, it is unfair.

**Mr. McGuigan:** To get back to Harwich or a second: I do not think the minister should be reporting on a private conversation.

**Hon. Mr. Parrott:** They make no bones about it. They said that at a public meeting the first time I was there. That was no private meeting. They reaffirmed it. I had hoped that with the liaison committee it could change. If I thought I had breached a confidence of a private meeting, I would apologize. But they said when I was first down there, "There is no way." There were people there that night who said: "We do not care. It does not matter a darn what you tell us. It is not going to come here."

**Mr. McGuigan:** There are extremists on every side.

**Hon. Mr. Parrott:** Indeed. I agree. I understand that. But this was not an extremist. This was a representative of the

people who said: "No way. Do not tell me the facts. It just is not coming. You might as well know that right now." He said it publicly, and he said it privately after I tried to explain the openness and trustworthiness of the board.

**Mr. McGuigan:** I am not aware of that having been made as a public statement.

**Hon. Mr. Parrott:** I think you know him.

**Mr. Gaunt:** Mr. Chairman, I have many matters which come under this particular vote. I think it is pretty obvious at this point that we would not be able to complete the vote within the remaining time; so I will defer to my colleague the member for Beaches-Woodbine.

**Ms. Bryden:** Thank you very much, Mr. Gaunt. I agree that this is such a big subject that we are going to have trouble completing it today.

**Hon. Mr. Parrott:** Time is not of the essence on this one. I have spent hundreds of hours on it. If the committee wants to spend a full week here on liquid waste, just say so, because I will be here. Nothing is closer and dearer to my heart. Nothing demands more attention in this province. It is your definition that it is a crisis. By God, do not limit the time. You will not find me asking for limitation.

**Ms. Bryden:** Mr. Minister, if you are offering this committee additional time, I think the committee should certainly consider it at the conclusion of these estimates.

**Hon. Mr. Parrott:** It is okay by me.

**Ms. Bryden:** It might even be useful to get the reeve and council of Harwich township down to tell us their attitude towards this question in more depth.

**Hon. Mr. Parrott:** It is okay by me.

**Ms. Bryden:** Right now, I think we are discussing overall policy on the disposal of liquid industrial waste. The standing resources development committee in its December 1978 report said this should have the highest priority. I think the minister agreed that it should have high priority. But I am very disappointed by what has happened in the more than 18 months since that report came out.

**Hon. Mr. Parrott:** You are not half as disappointed as I am. I am sick.

**Ms. Bryden:** I know the minister feels that we must press ahead to solve this problem. The only thing is, I think his kind of pressing ahead is what I might call unholy haste.

**Hon. Mr. Parrott:** Let the Love Canals develop while we talk.

**Ms. Bryden:** I am not saying that. I am saying we do not want to ram sites down the throats of people without adequate consideration.

**Hon. Mr. Parrott:** Are we, in Harwich? Can you honestly say to me, eyeball to eyeball, that we are ramming a site on the people of Harwich or anywhere else? Can you honestly say that to me?

**Ms. Bryden:** I just received the environmental assessment reports for the Harwich thing; they are these very large telephone-book-size volumes. How can a citizens' group study these before the hearings start?

**Hon. Mr. Parrott:** When is the hearing going to be?

**Ms. Bryden:** I do not even know that.

**Hon. Mr. Parrott:** Do you want to know?

**Ms. Bryden:** The point is, do they have any expert assistance to help them analyse these reports to prepare for those hearings adequately? The ordinary citizen cannot cope with such comprehensive and voluminous documents. They may answer a great many questions, but the citizens have to have the opportunity to deal with them.

11:30 a.m.

**Hon. Mr. Parrott:** We brought a man here last night, and I think you thought he was an expert; he charged \$40 an hour. I just heard Mr. McGuigan say that one township had put \$20,000 on the table; is that correct?

**Mr. McGuigan:** Yes.

**Hon. Mr. Parrott:** At \$40 an hour a considered expert will come. I think we agreed that is only 500 hours of work, is it not, from one township, one expert?

That leads me to wonder whether we are lining the pockets of our legal friends who want to object like crazy for the pure joy of objecting, or whether we want to investigate it. I tell you, there are all kinds of experts who, at \$40 an hour, will do so. If you think I want to fund a whole bunch of people to object just for the sake of objecting, you are wrong. If you think I want to support the testimony of experts, you are absolutely right.

I say \$20,000 is a pretty generous amount of money for a township to give; I think it is an unbelievable commitment. I hope they will get the kind of expert they need. But do not tell me there is not the money and there is not the expertise to take that report and, if it is possible, to tear it apart. God bless it; if the report cannot stand, I want

it torn apart. It is not because there is not money, it is because maybe somebody wants to take money and do a lot of talking rather than a lot of thinking.

**Ms. Bryden:** The money from the township is taxpayers' money.

**Hon. Mr. Parrott:** So is ours.

**Ms. Bryden:** Right. But it is not necessarily going to the citizens' groups which may wish to make their own presentation.

**Hon. Mr. Parrott:** Where is that money going? Where is the \$20,000 going?

**Mr. McGuigan:** It will go to witnesses and lawyers.

**Hon. Mr. Parrott:** And citizens' groups.

**Ms. Bryden:** But it will be a township presentation.

**Mr. Eaton:** Township groups.

**Hon. Mr. Parrott:** No. I understand you to say that it is Citizens Rebelling Against Waste.

**Mr. McGuigan:** I am sure the umbrella organization will be the township, but CRAW will have a hand in it.

**Ms. Bryden:** Let me just quote from a speech of the minister on April 16, 1980, to the third Ontario conference on waste collection disposal and resource recovery. He was speaking, of course, to waste management companies, and he said: "Those of you who are involved in these projects know that in my ministry we are putting our money where our mouths are. We are putting up funds in an effort to ensure that the proposals are assessed and planned as thoroughly and carefully as possible."

A year ago, on June 19, 1979, he gave a speech to the 26th Ontario industrial waste conference in which he said: "When any waste disposal facility is proposed, we do still get public opposition. Perhaps it is partly because of the second reason I mentioned: mistrust." Further on he said: "This can be, in part, resolved, however, by better access to environmental information." Still further on he said: "more and better communications so that residents are informed what government and industry are planning, and have an opportunity of presenting their opinions in the conceptual stages."

I do not think this has been done in the case of Harwich.

**Hon. Mr. Parrott:** You are now going to tell me where we erred in putting information forward, or in the techniques of trying to do so, because I am keen to hear that. I have thought about it and I do not know.

Ms. Bryden: I am saying these citizens' groups should have had more opportunity in the conceptual stages, before this particular—

Hon. Mr. Parrott: Do you mean time or money?

Ms. Bryden: Both.

Hon. Mr. Parrott: How much time do you want for the citizens' groups? Tell me how much time there should be between when that report is made public and the day of the hearing. Tell me how much is fair and reasonable.

Ms. Bryden: They probably need 30 to 60 days to analyse this.

Hon. Mr. Parrott: Done. Sixty days, and we will double it; we will go to 90. I do not want to hear again that they do not have enough time. The hearing will not be held until 90 days from this date.

Ms. Bryden: Whether it is 60 or 90 days, it is not of much use if they do not have adequate opportunities for hiring researchers.

Hon. Mr. Parrott: They have \$20,000; that is 500 hours for a witness at \$40 an hour.

Ms. Bryden: They got not a penny from you.

Hon. Mr. Parrott: No, and they are not going to get one.

Ms. Bryden: But the proponents have more than a penny from you.

Hon. Mr. Parrott: No, no.

Ms. Bryden: Or the guarantee.

Hon. Mr. Parrott: If they fail.

Ms. Bryden: Right. If they do not, of course, they can recoup it from their charges.

Hon. Mr. Parrott: Right. The polluter-pay principle exists and lives.

Ms. Bryden: Also, you are making a great point that in the case of Harwich—

Mr. McGuigan: Carry that over to the other side.

Hon. Mr. Parrott: I will, and we will talk about that.

Ms. Bryden: —there is full environmental assessment. I still cannot understand why, in the case of Ajax, there is not full environmental assessment. It seems to me that the two situations are similar—

Hon. Mr. Parrott: No, they are not.

Ms. Bryden: —and Ajax was not brought under the Environmental Assessment Act when it could have been brought under. As a result, they are not getting the same opportunity for an adequate hearing that you are getting as being so essential in the Harwich case.

Hon. Mr. Parrott: Do you know of one thing in Ajax that has been denied before the board? One thing?

Ms. Bryden: What?

Hon. Mr. Parrott: Tell me one. I do not know. No one has told me that a witness could not appear. Nobody has told me that there was evidence on geology, or on any other single thing in Ajax, that was being denied by the hearing board—not one single thing.

Ms. Bryden: They are under the Environmental Protection Act. They do not have the same opportunity to present and discuss alternatives.

Hon. Mr. Parrott: I think they do, and you know it.

Ms. Bryden: Not under the Environmental Protection Act. The board is supposed to consider the particular site and whether it is suitable. It is not supposed to consider alternatives. The other thing is that the Ajax people also do not feel they have anything like adequate funds for presenting their case. Until you take away that public distrust and mistrust, you will never get acceptance for any site. I think this is what we should be addressing ourselves to right now; that is, how you select sites.

Hon. Mr. Parrott: But you trust the board, do you not? Do you not trust the board?

Ms. Bryden: I think the Environmental Assessment Board, if it heard all the main points of view, would try to make a fair recommendation.

Hon. Mr. Parrott: Would they in Harwich? You want to dwell on Ajax because it is easy to dwell on that, and on the difference between EPA and EA; but you know and I know a policy decision was made that everyone in the conceptual stage to which the Environmental Assessment Act would legitimately apply, will have it applied. It started with Harwich, it is continuing with Walker Brothers Quarries Limited, and it will continue at our sites for streamlining of solid waste.

You and I both know that I cannot reach back in time and change the world. If I did, it would be very interesting, but you know I cannot; yet you want to dwell on it. Dwell on the things I can do; not those things that I cannot. I want you to say today whether or not you trust the board, because I think you do.

Ms. Bryden: I do not trust the board if they do not have an opportunity to hear all the points of view. Right now they are hear-



ing all the proponents, including the ministry, which is a proponent in the Harwich case—

Hon. Mr. Parrott: Indeed? What is next?

Ms. Bryden: —and they are not hearing adequately from the other points of view, I think.

Hon. Mr. Parrott: Tell me one.

Mr. McGuigan: My daughter is a lawyer, a courtroom lawyer, and she tells me that when she is before the judge, the judge tells her: "Do not expect me, as the judge, to research all the law, because I know all the law. I am going to make a decision on the basis of the information that you, as the lawyer, put in front of me."

Hon. Mr. Parrott: Agreed. But do not confuse the judicial system with the system that operates for the environmental assessment hearing process; they just do not compare.

Mr. McGuigan: Perhaps they are not exactly the same.

Hon. Mr. Parrott: No, not even remotely.

Mr. McGuigan: How can those people whom I said I trust make a decision until they have heard every side?

Hon. Mr. Parrott: Look at this first report. You have seen it, I am sure, have you not? That is the beginning. There will be mountains of testimony on paper, let us hope on recycled paper.

Mr. McGuigan: But most of those people are the proponents.

11:40 a.m.

Hon. Mr. Parrott: But that is the point, the concept of an Environmental Assessment Board. Let me go through it one more time. Is it for some guy with a bright idea to go steamboating ahead, and that is it? What the proponent has to do is to put as broad a context on paper as he can. Then comes the review process. The various ministries will object and oppose; and they do represent people. I know it is easy to suggest they do not, but they really do, and that is their manner. They have great expertise.

After that is all over, the board wants to hear the objectors. Look at the number of times in the last few years that we have heard about the great ability of the board to hear the whole testimony, and look at how much reliance we put on it. The House reaffirmed its belief in the Ontario Municipal Board last night in a rather dramatic vote. It said the OMB does protect the rights of people.

The Environmental Assessment Board will do the same thing; it is there to hear all the evidence.

The review process has not started at Harwich. You have had no opportunity to know any of the answers. You have only the proposal. You have not heard the objections yet from ourselves, meaning government in this instance. That opportunity comes at a hearing.

You have heard, I just made the commitment that the hearing will not be for 90 days at least. These people have all the time in the world to put their evidence in.

Mr. McGuigan: We were not planning on having it for 90 days anyway.

Hon. Mr. Parrott: I know I did not give a thing away; I did not pretend to. But I did gain something, I think. I gained some credibility on whether I was slamming it ahead—what was the word?

Ms. Bryden: "Unholy haste."

Hon. Mr. Parrott: "Unholy haste." I think that no longer can be said. That is what I gained. I did not give anything to get it; it was a good trade, I admit.

Mr. McGuigan: It was not altruism.

Hon. Mr. Parrott: It was not. I am not pretending that it was.

Mr. McGuigan: But in this argument you have just made, you have still left out that citizen who does not trust.

Hon. Mr. Parrott: No, you have missed the point. A citizen who does not trust goes to the board that he does trust, and says, "Board, we have not heard enough evidence on this." Now if you tell me the board says, "Who cares; it does not matter," then you are right. But if the board says, "We have heard that evidence," then I guess we have heard it. If the board says, "We have not heard that evidence," there is no doubt in my mind that they will call that witness for that testimony and hear it.

Ms. Bryden: But they will not let a citizens' organization call their own expert witnesses.

Hon. Mr. Parrott: Let the deputy explain the mechanics, because I think this is key. Mr. McGuigan, I believe you are a fair man and want to understand that process. I think you honestly want to see whether it can work. Let the deputy give you a bit more insight into how it can work.

Mr. Scott: I just want to comment on the distinction between a board such as the Environmental Assessment Board and the courts. One thing a court will not do is to

tell a lawyer to go back and improve his case or tighten it up, or he is going to throw it out; he will simply throw it out.

The way the board operates—what is unique about the environmental assessment legislation, and why we are anxious to have it tested and its strengths looked at—is that in no situation we are aware of has so much information been put forward to begin with; and that information itself inevitably draws questions that require further information.

At any time during a hearing, quite aside from any representations it hears from anyone, the board could send the material back for more information; it could demand more as part of a constructive, ongoing process. That is a very powerful weapon for them to use throughout the thing. In those cases, any legitimate questions raised by any groups in front, including those with special interests, those with general interests and those with information interests, can be responded to very effectively and at the expense of the proponent.

I asked about the progress of the Ajax case, because I presumed it would be a matter that would be raised here. Indeed, one of the things scheduled to come up this morning—and we hope to finish most of our presentation today—is that the opposition groups or the concerned citizens' groups will be given time to discuss with the board their concerns about any limitations in evidence, and to advise the board if they have any reservations which they feel the board should consider, or to look for additional witnesses and so on.

All of that is enhanced under the Environmental Assessment Act. It is very hard at this stage to make any judgement which says the public, even if they are virtually impecunious, would not be able to get from the board the kind of assurances they absolutely need on these matters.

**Ms. Bryden:** Mr. Chairman, could we get on with discussing the overall policy on how to dispose of liquid industrial waste, rather than Harwich or some of these others?

The report of the standing resources development committee of December 1978 said, "The ministry should assume responsibility to see that adequate disposal facilities are provided by either the private or public sector or both, and that landfill should be phased out for liquid waste disposal." As I said, that was more than 18 months ago. The minister accepted that responsibility when he reported to the standing resources development committee in February 1979.

In August 1979, the MacLaren report recommended that "the Ontario Ministry of the Environment should proceed to select and acquire a site for the specific purpose of treating and disposing of liquid industrial hazardous wastes." But so far, all we have is a hit-and-miss collection of proposals from the private sector which do not present an overall solution to the problem. We have two solidification plants and some sort of disposal plant in the Ajax area.

The minister says the overall solution is a dream, but it seems to me he has had 18 months to make that dream a reality, and to get at the business of acquiring a site for whatever the private sector is not able or willing to handle. This is where we are. We are not moving in that direction, and it seems to me the minister is still waiting for the private sector to present answers.

**Hon. Mr. Parrott:** You do not want us to go to the map, close our eyes and throw a dart, do you?

**Ms. Bryden:** The MacLaren report virtually did that, except that it did follow certain criteria which the ministry does not seem to be following in its hit-and-miss selection of the proposals it is considering.

**Hon. Mr. Parrott:** No. What proposal? You have not heard our proposal for the long term.

**Ms. Bryden:** The solidification plants and the Ajax plant.

**Hon. Mr. Parrott:** We have talked about the medium term, and you are now talking about the long term.

**Ms. Bryden:** How long can we wait? It is almost two years since the committee said that you should be providing the site and the facilities.

**Hon. Mr. Parrott:** I cannot believe it. One time you criticize me for unholy haste, and the next time you criticize me for unholy foot-dragging. Which do you want?

**Ms. Bryden:** We want an overall plan, first of all, to dispose of the 70 to 90 million gallons of waste that are going to be generated. I do not think we have an overall plan.

**Hon. Mr. Parrott:** Yes, we do.

**Ms. Bryden:** I have not seen it.

**Hon. Mr. Parrott:** Read the seven-point program and try to divorce your mind from the fact that you do not necessarily want to see all that is there. That is a bit harsh. Surely you do see that the seven-point program is a cradle-to-the-grave concept.

**Ms. Bryden:** But there are no disposal facilities. How are we going to get it out of landfill until you have the disposal facilities?

**Hon. Mr. Parrott:** Have you done much to promote them? I think I have done all I can, and it now requires collective assistance. The issue is so important, so vital, that we have to stop the game playing and join forces to solve one of society's greatest problems. We can do that only if we join forces.

**Ms. Bryden:** I cannot support what you have done so far, because you are ramming possibly unsuitable plants down the throats of communities without giving them an opportunity to say why they are unsuitable.

**Hon. Mr. Parrott:** That is so much rhetoric; I am not going to respond.

**Ms. Bryden:** These proposals do not follow any criteria, because you have not adopted any criteria. This is where I think we should join together: drawing up criteria for the location of waste disposal sites and facilities. The MacLaren report had some very good suggestions for criteria, but none of these plants we are looking at now meets most of the criteria in the MacLaren report. This is my objection.

**Hon. Mr. Parrott:** They are not supposed to.

**Ms. Bryden:** This is why I think you are ramming them down people's throats, because they do not fit good site location criteria.

**Hon. Mr. Parrott:** But seriously, do you not hear what you are saying to me? You are saying I am ramming them down their throats, and with haste. Then, in the next breath, you are talking about my delay and lack of action. You cannot in logic—you can politically, I guess, but you cannot in logic—make both of those statements within 30 seconds; and you just did.

11:50 a.m.

**Ms. Bryden:** I do not think the minister follows my point. I am saying we must have criteria for good site selection, and then we must make proposals or bring forth proposals that meet those criteria. But at the moment we do not have any criteria, and that is why people are not willing even to consider most of the proposals. When you are going to have sites accepted anywhere, you have to have not only criteria but also definite fail-safe regulations, a definite policy of enforcement and monitoring and policies to compensate communities that may feel that a site reduces their property values.

It seems to me we have a problem on our hands, but we are not working at making an acceptable policy of site selection. Of course, part of it too is that there is not adequate opportunity for the citizens to say why a given site is not acceptable.

**Hon. Mr. Parrott:** But we do have the criteria for air, land and water. We do have those criteria. What we do not have—and I accept this, and that is what MacLaren is working on—in the truest sense of the word, are the social criteria. I understand we are still working on that. But do not for a minute confuse having no understanding of what is right for the air, the water and the land, with what might be socially and politically acceptable.

That is going to be tough. That is the hard part of the equation. I understand that. But that is what we are working on desperately: to come to an understanding of what the people of this province want. It is possible. They want co-destruction. They may want to leave it where it is right now. If I could judge the public response, I would think that is likely what they want, from a purely political judgement.

I guess I am a damned fool to be trying to go as far and as fast as I am, because if I backed off and allowed the status quo to remain—and Harwich is a perfect illustration: for two solid years during which they, I and everybody else closed our eyes to the realities. There were no complaints, none. We had no complaints. I think that is correct. I am sorry; there were two complaints in two years.

**Mr. Scott:** Longer than that.

**Hon. Mr. Parrott:** Longer than that. In other words, the people were saying, "It is okay; let it just go on." When I waved the flag to indicate that is wrong and they agreed, then all of a sudden—you know what happens.

**Ms. Bryden:** It seems to me that what you are doing is counterproductive. It is working against the development of a sensible acceptance of sites somewhere in this province, because you are trying to put these facilities too close to large builtup areas, such as the Mississauga PCB burning area.

**Hon. Mr. Parrott:** How close is Harwich to a builtup area, Mr. McGuigan?

**Mr. McGuigan:** It is closer than the criteria in the MacLaren reports recommend.

**Ms. Bryden:** I think it says eight kilometres.

**Hon. Mr. Parrott:** Yes, but we are talking about—



**Mr. McGuigan:** I guess it's about three miles from London.

**Hon. Mr. Parrott:** I guess the only place in southern Ontario where we would find that is nowhere. You mean it should be in northern Ontario?

**Ms. Bryden:** No. I think there may be some areas of low-grade agricultural land in southern Ontario too.

**Hon. Mr. Parrott:** Eight miles from a residence? That is tough to find. From a buildup area?

**Ms. Bryden:** From a buildup area.

**Hon. Mr. Parrott:** That is tough to find, in any honesty. Eight miles from a village. Can anyone think of any areas in southwestern central Ontario that are eight miles from a village? Mr. Gaunt, can you?

**Mr. McGuigan:** That is not a fair question.

**Hon. Mr. Parrott:** No. But that is what MacLaren said, and all of a sudden I have to hang by somebody's report to me. As well as I know Ontario, I honestly do not know of any place south of the French River, east of Belleville, that is eight miles from a habitation. There might be one in the north-east section which is eight miles from a village. I cannot think of any place in Huron-Middlesex, Bruce, Grey, Oxford, Wellington—you name them—that is eight miles from a residence.

**Mr. McGuigan:** Lambton would be a good place to look.

**Hon. Mr. Parrott:** Lambton? Eight miles from a village? That would be tough, seriously.

**Ms. Bryden:** Perhaps we do not have the criteria drawn up yet. There can be arguments about the exact criteria, but the Ajax proposal is going into a very heavily populated area.

**Hon. Mr. Parrott:** Ajax is an existing facility, and you know it.

**Ms. Bryden:** But it may not be the most suitable way of disposing of liquid industrial waste. This is the problem. It seems to me that it is time the minister started to look at the provision of his own facilities, rather than these sort of second-rate proposals that are creating public opposition.

**Hon. Mr. Parrott:** Can I ask a serious question? On what did you place the greater emphasis this distance from a buildup community, or proper conditions at the site? You see, there is more than one condition. It cannot just be distance. It has to be the quality of the site itself. If you put the two together

—you are asking me almost to find a needle in a haystack—in which would you put more emphasis, closeness to a buildup area, or the quality of the land that would handle the material?

**Ms. Bryden:** I think you have to keep them away from any substantial buildup areas. Maybe a village would not be considered substantial, although I think that village requirement should be considered as well. As far as the requirements, conditions and terms go, until you convince the public that you actually are going to enforce those, and I am afraid the ministry's record on enforcement of landfill regulations has not been that good—

**Hon. Mr. Parrott:** Baloney! Look what we have done in eight or nine years.

**Ms. Bryden:** Look at the Upper Ottawa Street dump.

**Hon. Mr. Parrott:** Yes. What is happening to it? It is closing.

**Ms. Bryden:** I understand you have not been able to carry out the prosecutions because you did not have adequate—

**Hon. Mr. Parrott:** They are still in the court. We are closing sites like crazy. You know and I know that the quality of our sites is being upgraded tremendously.

**Ms. Bryden:** I keep getting complaints that the conditions are not being observed.

**Hon. Mr. Parrott:** Come with me and let us view some of the sites of 20 years ago—there are one or two still around—and make a comparison to the new sites opened in the last two years. Make those kind of comparisons. I will be glad, literally, to supply you with that opportunity. Would you like it?

**Ms. Bryden:** If I had time. At the moment, as I say, the public wants to know that you are going to enforce the conditions, and that is a part of the public trust that has to be developed?

I would like to go on to discuss what other parts of the standing resources development committee's report on liquid industrial waste have not been implemented yet, and to get the minister's comments on when we are going to get some of those other recommendations implemented.

First of all, there was supposed to be mandatory registration of wastes generated by industry in Ontario. I think, in your update report of February 1979, you said that was under consideration. Is it still under consideration?

**Hon. Mr. Parrott:** Yes.

Ms. Bryden: But no regulations have been issued yet?

Hon. Mr. Parrott: That is correct.

Ms. Bryden: What is the holdup? How can we dispose of the wastes if we do not know exactly what is being generated?

Hon. Mr. Parrott: Let me tell you, the day before we have some facilities, we will sure have the regulations. When I see some real action and support on your party's part to help us solve the problem, rather than to delay the solution, we will have those regulations here quickly. They will be better than any other in Canada; they already are.

I just came home from Halifax. Do you know what one of the major papers was there? It was the possibility of establishing a manifest system for Canada—the possibility. They turn to Ontario and say: "We know you are away ahead of us in this regard. What is your advice?" I am not bragging. It is a fact. I did not even do it. Look at these people out in the audience; those are the people who deserve that credit. They were not complimenting the minister; they were talking about the Ministry of the Environment in Ontario: "You are away ahead of the rest of the provinces."

Ms. Bryden: Only because the standing resources development committee—

Hon. Mr. Parrott: You deny that is true?

Ms. Bryden: Only because the standing resources development committee found that our manifest system was a shemuzzle, and that it needed revision and updating; so it was updated. I agree.

Hon. Mr. Parrott: All right. Listen, my good and great friend Jimmy Allan tells me, "If you want to get something done, give somebody else some credit." Let me give you that one. Let me, in the charity of the moment, tell you that even the leader of the Liberal Party was very helpful in establishing some of these things as he waved the flag in his own community. I will go that far because I want the job done.

12 noon

Mr. Gaunt: I will pass that along.

Hon. Mr. Parrott: Tell your leader that I will give him some credit—

Mr. G. I. Miller: We have always tried to be constructive.

Hon. Mr. Parrott: —and I will give this committee some credit, because I want the job done.

I will even agree—although the staff may not like this, because they were working very hard on it before, but I want to have a

spirit of co-operation here—that this committee did have a significant impact on liquid industrial waste. It would be wrong to try to pretend it did not. You shook me into total dedication, if you did nothing else. Maybe that was not much of a trick.

Ms. Bryden: I will make a deal that we will support you when you start to move on getting an adequate provincial site; the private sector just is not answering the problem completely, and you have to have a site for storage, treatment, maybe neutralization, disposal—

Hon. Mr. Parrott: I think Mr. Turner would like to tell you the difference between the medium-term and long-term specifications for sites, and we are moving on that. Would you like to get that from Mr. Turner?

Mr. Turner: I think there is some general confusion about the criteria which the MacLaren report developed and applied, and about how the two solidification sites and the Ajax site apply to these criteria or to that concept.

The MacLaren report developed a concept of a single waste treatment complex, the key component of which is a secure chemical waste landfill site. The estimates are that that will require in the order of 350 to 400 acres of land. With the buffering associated with landfill sites that is required by the ministry's guidelines, it ends up requiring 600 acres of land. MacLaren has arbitrarily rounded that off to 640 acres.

Please bear in mind the key here is a secure chemical waste landfill site. Recognizing you need that, they also argue that you can put the other facilities that are needed—namely, the physical chemical treatment facilities, possibly an incineration facility and possibly a solidification facility—all on the one site.

The problem with the MacLaren report as it was issued is that it does not deal with alternative systems. Some of the alternatives involve not putting everything on one site. You could put the physical chemical treatment facilities at other sites. You could put an incineration facility at another site. However, the secure chemical waste landfill still requires 400 acres. Therefore, the criteria that were developed by MacLaren would apply to the secure chemical waste landfill site.

It is not fair to apply the MacLaren criteria, if I can use that term, either to the Ajax facility or to the solidification facilities, because those criteria were not developed to apply to those particular types of waste treatment facilities.

We could develop criteria for a physical chemical treatment plant, for example, and I am sure they would be completely different from the criteria that were developed in the MacLaren report.

For example, there is no real reason why they should be located—just to take one criterion—five miles from a built-up area. After all, in concept they are nothing more than chemical treatment plants. We do not want to apply a five mile criterion to every chemical factory or every plant that uses chemicals in the province.

**Ms. Bryden:** I would agree that we need criteria, but not necessarily the same criteria for each kind of facility. The point I am making is that we do not have any published ministerial criteria for site selection for these different plants.

I think it is quite possible that we could have more than one provincial site, but at the moment we do not seem to be moving in that direction at all.

**Hon. Mr. Parrott:** Since we have been in office, the first report has been issued, the other one is well underway, and I am sure that in the next two months or so you will hear a great deal about the next step in that process.

Part of our problem is we are coming back here seven months since the last time we were here for estimates, and it condenses what normally should be a year's activity into seven months. That is tough.

**Ms. Bryden:** I agree. It is a very tough problem to solve.

**Hon. Mr. Parrott:** No. I mean it is tough—

**Ms. Bryden:** We hope you will be able to set a new deadline for the closing of landfill sites to liquid industrial wastes as soon as possible. We still do not have that.

**Hon. Mr. Parrott:** We agree.

**Ms. Bryden:** I am also very concerned about disposal by companies on site. I do not believe there are any regulations controlling on-site disposal. They do not come under the waybill system. Are we monitoring now that is being disposed of? I know some guidelines have been issued, but the guidelines have no mandatory qualities to them. What about on-site disposal?

**Hon. Mr. Parrott:** Who wants to answer that?

**Mr. Turner:** I think the guidelines we put out late in 1978 do recognize on-site disposal, and as part of the site identification program we are looking at those sites that are currently being used for the disposal of

waste. It is still envisaged that there will be appropriate regulations or guidelines which will cover these more formally issued later on.

**Ms. Bryden:** How much later on? Are they being drafted, or circulated, possibly? I would like to see them circulated ahead of time like all regulations, as is being done at the federal level.

**Mr. Turner:** I think we do circulate them where appropriate, certainly within the government system.

**Ms. Bryden:** But not to the people who will be affected?

**Mr. Turner:** I think I have to defer to the minister on that question.

**Hon. Mr. Parrott:** We have to have these facilities. It is that old line I have said so many times before, and said again, of course, this morning: then the cradle-to-the-grave concept becomes operative. I do not like the fact that we cannot guarantee that right now. We will. Once we have some facilities and can say, "Here is the alternative," then we will move. I want that clearly on the record. You do not have to worry about that.

The difference in our positions, and I accept this, is that I cannot say to a company, "You cannot do something." In turn, they could say to me, "What can I do as the alternative?" We do not have that alternative.

**Ms. Bryden:** This is one place where we agree. It is like the chicken and the egg, in that we have to get the facilities first; the question is how we get them.

Going on to a few of the other recommendations of the standing resources development committee: they recommended an increase in fines. I do not believe that has been done.

**Hon. Mr. Parrott:** In minimum fines?

**Ms. Bryden:** Yes.

**Hon. Mr. Parrott:** No. It has not.

**Ms. Bryden:** You said, I think, in the last interim report, that you were considering that. Are there still any plans?

**Hon. Mr. Parrott:** Would that be part of your bill? I have not looked at your bill. Is that part of your bill?

**Ms. Bryden:** No.

**Hon. Mr. Parrott:** Why did you not include that?

**Ms. Bryden:** My bill is about environmental rights rather than the penalties.

**Hon. Mr. Parrott:** I know, but that is so close to what you are talking about. I am literally surprised, and honestly surprised, that you did not address that problem in your



bill; that is, minimum fines for certain things. We are not going to talk about the courts this morning, but here was an opportunity for us to set policy, or indeed, if your bill goes through, to set policy on minimum fines. That seems to me to be absolutely hand in glove with the concepts that I understand are in your bill.

**Ms. Bryden:** Would you have supported that particular part of the bill if there had been an increase to, say, \$25,000?

**Hon. Mr. Parrott:** On a personal basis, and I do not speak for government now, because I do not know, I do like the concept of minimum fines, yes.

**Ms. Bryden:** Other recommendations of the committee—

**Hon. Mr. Parrott:** We will tell you a little bit too about some fines that we have received this year. Would you like to know? For illegal dumping—

**Ms. Bryden:** Yes.

**Mr. Scott:** When we have been able to catch people in the process of dumping, or when citizens have reported to us and we have been able to track it down with sufficient evidence, we have been doing very well in the area of first offenders in terms of illegal dumping. For example, there is Pine Valley Disposal Services; on their first offence we got \$2,000 from them. We got \$6,000 from Refluent Investments. And from Cassiola and Long, who were involved in dumping septic waste into a river, we got \$5,000 each. So I must say that the one area in which we are not having difficulty with the courts in terms of penalties is illegal dumping.

We also have one, I am sorry to say, that amounted to only \$200 on a first offence.

**Mr. G. I. Miller:** How many? Can you give us the complete number of charges?

**Mr. Scott:** Unfortunately, I do not have a complete list at the moment. I tried to get one just this morning. We also have a number that are outstanding.

**Mr. G. I. Miller:** Can you get that number for us?

**Mr. Scott:** Sure. I have just given you the ones of which I am aware at the moment, but we have two or three more before the courts.

12:10 p.m.

**Ms. Bryden:** It would be useful to have a report for the last fiscal year on prosecution activity and fines obtained, giving the particular violations.

**Hon. Mr. Parrott:** I will be honest with you right now. It is not as good as I would like it, mostly because a lot of them are still pending.

**Ms. Bryden:** Yes, I can understand that.

**Hon. Mr. Parrott:** We have changed direction in this regard.

**Ms. Bryden:** I said the last fiscal year. That would cover just up to March 31.

**Hon. Mr. Parrott:** But the direction, under my time as minister, has changed; we are becoming tougher there. I think you have said that many times. But it takes quite a while for that to be observable because of the time in court. The impact has yet to be seen as dramatically as I think it will be.

**Ms. Bryden:** That is why it would be useful if, every year, we could have a list of prosecutions and fines.

**Mr. Eaton:** Mr. Chairman, if I might speak: The member brought up earlier the matter of time and the allotting of time to members. She has had three quarters of an hour. I would not mind having five or 10 minutes of the meeting if she would give it away because, as she knows, having visited my riding, the MacLaren report singles out a site there. I would like to talk about it for a moment or two.

**Ms. Bryden:** I will defer to the honourable member in just one or two minutes, after I sum up. There were a few other recommendations I wanted to mention, on which the minister at some later date perhaps can tell us what he is doing. They are: regulations relating to storage improvement in labelling of hazardous substances being transported, pre-testing of chemicals going into the manufacturing process, and a surcharge on generators, which I understand from his last report was being studied by a task force. Could he at some later time update us on what is being done on that?

With regard to the Caradoc site, about which Mr. Eaton would like to speak and which is in his riding, my only comment is this: It is mentioned in the MacLaren report as a candidate for a possible landfill site or waste disposal site. I think this is one of the problems of the MacLaren report; it lists a whole lot of candidate areas without giving the people in the areas concerned enough information as to how they happen to fit the criteria. For instance, the people in Mount Brydges certainly do not think they fit the eight-kilometre criteria, and they are very concerned about what the MacLaren report map of candidate areas means to them.

**Mr. Eaton:** I guess anybody would be concerned after the misinformation that you gave at the meeting.

**Hon. Mr. Parrott:** That is a point there, Ms. Bryden.

**Ms. Bryden:** I am not aware that I did give any misinformation.

**Mr. Eaton:** I will fill you in on some of it.

**Ms. Bryden:** I will give the honourable member the opportunity to speak for the rest of the period.

**Mr. Eaton:** Okay. Mr. Minister, the MacLaren report, as I understand it, was intended to locate potential or possible sites for further investigation. Is that not correct?

**Hon. Mr. Parrott:** Without even setting foot on site.

**Mr. Eaton:** Right. It was to locate the type of soil, the geographical situation, that might make a potential site.

**Hon. Mr. Parrott:** Without seeing the site.

**Mr. Eaton:** The report done by MacLaren was released and was made public. It was never at any time kept under the table or hidden, as some people would indicate. In fact, it in no way said that is where a site was going to be located. It said that is a potential site. This is what concerns me. I made people aware that it was a potential site. The MacLaren report was there and, as anything further developed, we would be able to discuss it.

I think people like you, Mrs. Bryden, do a disservice to the public when you come into an area and spread misinformation, try to arouse concerns and try to get opposition going to a site before it is even considered further. All it is considered as is a possible potential site because of soil conditions there.

**Ms. Bryden:** I was invited to come by the local citizens.

**Mr. Eaton:** I know who invited you, for crying out loud. You were invited by one of our NDP colleagues to try to stir something up.

**Mr. McGuigan:** The member for Chatham-Kent (Mr. Watson) was quick to jump on a potential site in Chatham township.

**Mr. Eaton:** I was not jumping on the site or anything else. I do not think there is a need to jump on it. You give information to people and as more information becomes available—just as you have been trying to do, Jan; you provide it. But Ms. Bryden comes in there and brings—I almost should say a pack—a professor with her.

**Ms. Bryden:** I did not bring him with me. He was with a different group.

**Mr. Eaton:** He was arranged too. I know about that as well. Anyway, she comes in, and let me give the kind of facts that she was giving to the people there. First of all, there are 60,000 million to 70,000 million gallons of waste disposable liquids to get rid of in the province. That fact is a thousand times out; an error of a thousand times. The fact is six or seven million—

**Ms. Bryden:** Sixty or seventy million.

**Mr. Eaton:** Yes. But you said 60,000 million or 70,000 million to the people there.

**Ms. Bryden:** I agree. Everybody makes mistakes, Mr. Eaton, and my figures were wrong.

**Mr. Eaton:** Your figures were wrong. The person they brought along talked about what happened in Michigan with PCBs and the potential dangers, and about what happened in British Columbia. He said some got into the chickens there, and wiped out the mink industry, which wasn't the case. They had a problem, yes, but PCBs didn't wipe out the industry there.

She goes on through the thing and talks about citizens being involved beforehand. I guess Dr. Cummings said, "Do you want to wait until the decision is definite, because then it might be too late?" In other words, he indicated to them—and a couple of people there told me it was indicated very strongly—they weren't going to get a chance to be involved in the thing. They even went so far as to try to solicit a petition at the meeting to get people to oppose having a site come into that area.

**Ms. Bryden:** Again, it was the local citizens who organized that; not I or Dr. Cummings.

**Mr. Eaton:** There was very little factual information but, fortunately, there were some sound citizens there who were not trying to stir something up. They said: "Look, how can we oppose something we do not even know is going to happen? We do not have information about what kind of things they are going to be doing there. All it is is a potential site." Some of those citizens came forward at the meeting and indicated they were willing to take a look at facts and information, but not to start a petition or start a wild opposition going to it with the kind of information you and your professor friend brought to that meeting.

**Mr. Riddell:** It was an exercise in futility, wasn't it, Bob?

**Mr. Eaton:** That could be too, but this is a thing that concerns me; so we are trying to do something. I have been on this committee and gone through a number of the hearings and discussions we have had in regard to these things. Everybody indicates they want to try to do a job. I want to see that job done too. I probably do not want it in my riding any more than anyone else.

But if we are going through the exercise, we are going to look at all the facts and information and make a decision on that basis. Surely we have some responsibility to look at those facts and information, not to get people utterly scared before something starts to move along in the gathering of facts.

I think you and anyone else who is doing that kind of thing around this province are doing a disservice to getting the process carried through properly.

12:20 p.m.

I think we have more of a responsibility to try to do the job together than to go into an area and use those kinds of scare tactics. You talk about things that aren't even involved with liquid disposal when you get into the PCB thing. We know that is removed completely from the liquid disposal thing. We have got other projects going on trying to handle that. I would ask the minister for reassurance, but the PCBs are not going to be part of the liquid waste disposal at these sites.

**Hon. Mr. Parrott:** Not in solidification sites.

**Mr. Eaton:** No. This is the thing. I know it must be a problem for the minister to have put up with that sort of thing, when he is trying to work with us.

I simply say that Ms. Bryden is doing a disservice when she does that kind of thing, disturbing people with misleading information. It conjures up something that could possibly happen.

Here is one instance they point out—and this is flat land, miles from the river or anything else: "One flood could wipe out the productivity of the land for 100 years. How can you guarantee there will never be a flood there?"

**Ms. Bryden:** Is that a quote from me?

**Mr. Eaton:** No. I think that's from your professor friend.

**Ms. Bryden:** Outside of my one factual error on the figure, I don't think anything you have mentioned as being misinformation was anything I dealt with. I did not raise the PCB question, and I did not raise the flood question.

**Hon. Mr. Parrott:** Could you not also take that opportunity to say we must keep things in perspective? You have that responsibility. I guess it was your share in it.

**Ms. Bryden:** I was simply invited as a speaker.

**Mr. Eaton:** You took one of the leading roles in the meeting. Here is another one which refers to "both speakers." Both of you put forward the idea that we must stop producing these kinds of chemicals. That's the answer: We should stop producing them.

**Ms. Bryden:** I'm sure the minister has said that many times, that we should change our lifestyle.

**Hon. Mr. Parrott:** Not all chemicals.

**Mr. Eaton:** Is that realistic, to think that we can just stop everything at once and not use chemicals to produce many of the things we do? One of the people was laughing about it. How do you cut off all the chemicals used in agriculture and still provide food to some of the people who come from the city and try to put these scare tactics in a community?

I simply wanted to get that on the record quite clearly.

Sure, I'm concerned about it too. I discuss it with the local people, and I've discussed it with my council members. We are prepared to deal with it when it happens in a rational, reasonable way. But going in and doing something like that is what causes the problems and gets mistrust going. Before you ever get to the situation people are uptight over the thing. They're so concerned about what is fact and what is fiction, and what is right information and what is not, that they can't deal with the facts when the time comes, because somebody has scared the living daylights out of them as to what could happen and that the ministry might come along and put the thing there.

It is stressing the importance of keeping the public involved, through public hearings, should the decision to use Caradoc as a dump site be adopted by the government. It is not going to be adopted that we will use it without public hearings.

The minister has already pointed out the process. I've informed some of the people there of the process of assessment.

I just hope you won't continue to do that kind of foolish thing around the province. That's all I have to say to you.

**Ms. Bryden:** But the people would not have attended the meeting if the report had not come out designating them as a candidate. That's what created the meeting and the



interest, and caused them to invite people to come and speak.

**Mr. Eaton:** You could go to a meeting like that and say, "You are in a candidate site area; here are all the steps you have to go through before a site would be located." But that is not what you did. You pointed out all the potential dangers of having a site there. You did not say what the steps were to locate the site, whether the site was practical and whether it could be made safe if it were selected after all the assessments.

All you did was lay out all the possible dangers and that the government could force it on people without their even being involved. That is not the case. We know that's not the case. That is misleading people into thinking something is going to be forced on them. I feel you're even doing a disservice to your own party. I talked to some people after that meeting who just couldn't believe, when they got all the facts and knowing what they knew beforehand, that you would misguide them in this direction, or try to scare them this way.

**Ms. Bryden:** Mr. Chairman, on a point of privilege: I feel I should—

**Mr. Eaton:** You have up to five minutes; so you can explain yourself.

**Mr. Gaunt:** Just before Ms. Bryden deals with the point of privilege, I have to go. I have an appointment, and I've got another committee meeting at 1:30 p.m.

May I suggest, Mr. Chairman, that we complete this vote tomorrow night, rather than moving back?

Second, I have some things to say with respect to liquid industrial waste, and I'd like to be on your list.

**Hon. Mr. Parrott:** Before you go, Mr. Gaunt, those aren't all Ms. Bryden's bags over here. We give her first priority on the biggest one. That's recycled material from our Downsview plant, and I hope you'll take a bag of it with you. It's a little larger than those we had anticipated bringing this morning, but we didn't want to be accused of being on the cheap.

Take a bag. Take it up to the great riding of Huron-Bruce and plant some flowers or whatever in it.

**Mr. Gaunt:** If you're really generous, you'll make me an offer of five or six, and it would cover my whole flower garden.

**Hon. Mr. Parrott:** I'll tell you what; I'll even do better. Take five or six of them right now, and if you can keep them away from the other members of your party, they're all yours.

**Mr. Gaunt:** I'll do my best.

**Hon. Mr. Parrott:** We have our information officer outside, and you're going to look handsome, Murray, as you go out of this door with bags under both arms.

**Mr. Gaunt:** I've got my overalls.

**Hon. Mr. Parrott:** Please take them, Murray.

**Mr. Gaunt:** Five, did you say?

**Hon. Mr. Parrott:** As many as you want. That's not the stuff you and I fork in our ridings.

**Mr. Gaunt:** Thank you kindly.

**Hon. Mr. Parrott:** I'd sure hate to offer you the store.

**Mr. J. Johnson:** Let the record show he took six.

**Hon. Mr. Parrott:** Seven.

**Ms. Bryden:** Mr. Chairman, since we didn't have a tape recording of that meeting in Mount Brydges, I would be glad to provide the committee members with my press release on it, which I think will show that I did not spend my time raising scares about PCBs or toxic chemicals, but instead tried to address the problems and the need for an overall plan for liquid industrial waste disposal, the fact that the polluter must pay, and full public involvement. Those were my three main points, and I also discussed the adoption of criteria for sites and facilities. I think those are all legitimate things to bring to the attention of any public meeting that is called on this subject.

**Hon. Mr. Parrott:** You must have had our seven-point program with you.

**Ms. Bryden:** I did, as a matter of fact, Mr. Minister.

**Mr. Eaton:** She didn't say it was the Ontario seven-point program.

**Ms. Bryden:** I still believe it is only a step along the way. There were something like 22 recommendations in the resources development committee report, and we still have a long way to go.

**Mr. Eaton:** If you're so concerned about the public being involved in this, and you weren't doing it on a political basis—you were just trying to dispense information—why didn't you invite the local member to be involved in it too?

**Ms. Bryden:** Presumably he saw the notices of the meeting. I didn't organize the meeting. I didn't even know who the other speakers were until I got there. I had not met the other speakers beforehand.

Mr. Riddell: Wait until they try to put the clamp on 2,4-D.

Hon. Mr. Parrott: May I answer the question you had this morning?

Ms. Bryden: Can you tell us what happened to the Barrie Chemical and Petro Waste Disposal Limited proposal that you mentioned in your February 1979 report? 12:30 p.m.

Hon. Mr. Parrott: Mr. Miller and Mr. Riddell, take a bag of that stuff. It is not from Oxford. It is from downtown Toronto, and it is vitamin-rich. It is good stuff. That is what I am trying to say.

Mr. Turner: Yes, an agreement was drafted between the ministry and the Chemical and Petro Waste Disposal Limited in Barrie. The company was supposed to conduct an experimental program during the period leading up to the end of April. They ran into technical difficulties and have withdrawn their proposal. They may come back, and we will probably negotiate a new agreement. But actually the company ran into these technical difficulties and withdrew from the agreement.

Ms. Bryden: You were interested, especially to give up proposals worth pursuing?

Mr. Turner: Yes, we were, I think in the spirit of looking at any new technology that has potential. We felt this had potential and were willing to fund the analytical cost of analyses for proving out the technology. That is what the agreement covered.

Ms. Bryden: What kind of wastes were they?

Mr. Turner: They would be looking primarily at oily waters and waste that had mixtures of water and organic materials. The company is involved primarily in the business of reclaiming organic solvents and oils for use in other areas. This piece of technology would help them with their overall program.

Ms. Bryden: So the idea is not dead.

Mr. Turner: No, the idea is not dead. They just have to resolve their technical difficulties first.

Ms. Bryden: Thank you.

Mr. J. Johnson: Mr. Minister, I have had people, especially from the Grey county area, who have been concerned about the MacLaren report, in that it seems to designate much of their land as suitable for waste disposal sites. They are quite concerned that this means they are going to have to receive a lot of this industrial waste. I have tried to assure them that they will not have any problem

without due process, without going through all the hearings processes that we have in order now. Is this correct?

Hon. Mr. Parrott: Unconditionally correct. Not only will they have the due process but so many people think that, because they see their area there, it is almost a likelihood. The odds for getting the due process—and we are only looking for one site, while 17 were identified—at the very beginning, before we apply any other criteria, are very small. They are one in 17 right now, because we only want one.

Mr. J. Johnson: To alleviate their concerns, I wonder if it would be possible for you, Mr. Minister, to send out a press release assuring them that the MacLaren report does not signify that the whole of Grey county is going to be designated as a waste disposal site?

Hon. Mr. Parrott: I would like to put it in very positive terms. I would think that within the month I would be more than pleased to give to you on a personal basis, and to have you distribute it, what we see coming down the road in the broad concept and as it specifically relates to your own riding. I am sure we have to have some facilities, but I am sure that before we have those facilities, not only will the full protection of the Environmental Assessment Act apply but also the conceptual aspect of it will be very broadly discussed.

This was a very preliminary thing. Maybe you can take this record to show that we understand the first report was very preliminary, in-office view of the total problems. Nobody has applied all of the criteria yet. That is, they have established some criteria for sites, and the same report that identifies a site identifies the criteria that will rule out some sites as we apply those criteria. So I want to assure you that the broadest possible public participation and prior information will be given to everyone before we go down the road one further step. I hope that is some assurance.

This morning, just before coming here, we met as a ministry to try to establish the direction we will be taking in the near future. That will occur within the next 45 days, but we will have a good deal to say, in a public way, about where we are going on our disposal sites.

Mr. J. Johnson: I think their concern is that it shows many areas—for example, in Grey—that could be used for sites. They seem to feel that they are going to use all of them.

Hon. Mr. Parrott: There is zero chance of that.

**Mr. J. Johnson:** That is the concern.

**Hon. Mr. Parrott:** Even if it were—and it is one out of 17; it will not be that, at the greatest possibility—there is no possibility of having more than one site in Grey county. I am not even saying there will be one, but there is zero chance of any more than one.

**Mr. J. Johnson:** I will get a copy of Hansard and send it out to them.

**Hon. Mr. Parrott:** We want one more thing on the record about this; so I am going to say it in a serious vein. I said plenty this morning, and we had some fun about it, but it is a very serious thing and I would like the record to show appropriately what those

wastes are. The deputy will do that in two minutes.

**Mr. Scott:** I just want to indicate that the compost came from our plant in Downsview. We can recommend it for flower gardens, lawns and so on. We do not recommend it be used in vegetable gardens et cetera, because it would be a little richer in heavy metal content than we would recommend, but it is ideal for potted plants and that sort of thing. I just want to make that distinction absolutely clear.

**Mr. J. Johnson:** You should warn Murray Gaunt about this.

The committee adjourned at 12:36 p.m.



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No. R-26

# Legislature of Ontario Debates

## Official Report (Hansard)

**Standing Committee on Resources Development**  
Estimates, Ministry of the Environment



**Fourth Session, 31st Parliament**

Thursday, June 5, 1980

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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# LEGISLATURE OF ONTARIO

## STANDING COMMITTEE ON RESOURCES DEVELOPMENT

THURSDAY, JUNE 5, 1980

The committee met at 8:07 p.m. in committee room No. 1.

**Mr. Chairman:** The meeting will come to order. All parties are represented. There is a notion regarding our next order of business, after we complete these estimates.

**Mr. Breaugh** moves, in regard to the committee's hearings on the closure at Firestone Tire in Whitby, on the evening of June 12, that Mr. A. Kramer, the president of Firestone Canada Inc., be invited to attend as a witness; that on the evening of June 17, the union officials, Mr. Punnett, the Canadian director of the United Rubber, Cork, Linoleum and Plastic Workers of America and Mr. Love, the president of Local 494, be invited to attend the meeting.

Further, that we attempt to obtain an agreement between Firestone Canada and the Federal Investment Review Agency.

**Mr. Gaunt:** Mr. Chairman, I have no problem with the motion.

**Mr. Chairman:** I think it is in order if we agree to hear the people who have been recommended to be heard at that particular time. All those in favour of the motion?

**Mr. Breaugh:** Mr. Chairman, if I might, I would like to clarify for the record that this matter is a referral of the annual report of the Ministry of Industry and Tourism. I would further like to put on the record, so that we are clear, that the president of Firestone Canada may want to bring some local executives or a public relations man with him. I would think the committee would want to extend that courtesy to him and to anyone else who attends.

Motion agreed to.

### ESTIMATES, MINISTRY OF THE ENVIRONMENT

**Ms. Bryden:** Mr. Chairman, I also have a motion before we go ahead, in regard to our allotment of time and our procedure for the next three sittings. We have exactly three sittings left on the Environment estimates, as I am sure members are aware. We have completed only one of the four votes.

I would like to move that we devote each of the three sessions to one of the three remaining votes, and if we have not completed discussion on that vote we move on to the next one for the next session and simply adopt, or at least vote on, the item.

So I am moving that, for tonight, we concentrate on vote 2104, waste management. For Tuesday, June 10, which is a two-and-a-half hour session, we concentrate on vote 2102. On Wednesday, which is a three-hour session, we concentrate on vote 2103. I would like to move that order of business for the remainder of our sessions.

8:10 p.m.

**Mr. Gaunt:** We have no problem with that, Mr. Chairman. I think the implication is that we finish vote 2104 tonight.

**Ms. Bryden:** That we spend no more time on it. We have run out of time.

Motion agreed to.

**Ms. Bryden:** With regard to tonight, I would also like to move that we allow one hour on liquid waste, because we have already spent considerable time on that, and an hour and a half on solid waste. I regret that is all we appear to be able to have on solid waste. It always seems to get short-changed because it comes at the end. But I think some of the members did not finish what they wanted to say on liquid waste, so if it would be agreeable that at the end of an hour we move on to solid waste, I would propose that.

**Mr. Gaunt:** I do not know, Mr. Chairman. I think it depends on how we get along. I have a few matters that will not take long but, at the same time, I want to deal with them because I did not have a chance to do so on Wednesday. I think we can use that as a guideline. I would hesitate to go hard and fast on it, because it may take only another five minutes to clean up the vote. I hesitate to stick on a hard and fast basis with the one hour. I think we can all agree to clean it up as quickly as we can, within that time constraint if possible.

**Ms. Bryden:** Yes. I would hate to see us have no time at all for solid waste.

**Mr. Gaunt:** I agree. I have some matters on solid waste as well.

**Ms. Bryden:** So we can, if possible, move on to solid waste.

**Mr. Chairman:** Mr. Gaunt's proposal is reasonable and fair. I think he is trying to co-operate.

**Mr. W. Newman:** Mr. Chairman, you have a motion before you suggesting an hour on liquid waste and the rest on solid waste. If I recall the meeting on Wednesday morning, there was an invitation extended by the minister to the Leader of the Opposition (Mr. S. Smith) to be here to discuss liquid waste. I would like to ask the minister if he thinks he can cover it in an hour. If not, I am not prepared—and that is the motion I gather—to support that motion at this time.

**Mr. Chairman:** We were just having a discussion. I accept Mr. Gaunt's approach to it. We will try to use that as a guideline, but if there is something of importance that any member feels he wants to carry on in this I do not think he should be closed off, because it is rather hard. We have set a schedule now and we are running behind with this, not because everybody is not making a contribution, just because our timetable is not keeping pace with it.

**Hon. Mr. Parrott:** Mr. Chairman, I will certainly move with the rules of the committee. I certainly hope we have sufficient time for liquid waste to be appropriately dealt with.

On vote 2104, waste management program:

**Mr. Chairman:** Mr. Gaunt was the first on vote 2104. Since Mr. Smith is here, I presume you are deferring to him to take your place, Mr. Gaunt, as first spokesman?

**Mr. Gaunt:** Yes, I will defer to Mr. Smith.

**Mr. S. Smith:** Mr. Chairman, I am not sure how much of the committee's time I will have to take. I hope it will be brief. I am here largely, in this instance, to respond to comments made by the minister yesterday in committee. I hope we can have a discussion which need not be acrimonious and in which we can both come out with a better understanding of what we have been saying around the province. Needless to say, I think any member would resent the implication being made that he says one thing in one place and a different thing somewhere else. None of us is that stupid to begin with. We know everything is reported. Secondly, I do not think any of us is that dishonestable.

I would like to respond to what, I take it, was a rather energetic commentary by the

minister the other day, and try to explain some of the concerns he has had about the remarks I made in Harwich. If there are other remarks the minister would like me to refer to I would be very happy to do that as well.

If I can draw the minister's attention one matter just before I start, on page 25 of the uncorrected Hansard of yesterday the minister is asked where the liquid wastes that were going into the solidification project at Hamilton are now going. He said they are going as a codisposal on to a landfill site. Mr. Miller asked where, but I don't see the answer here. I wonder, just before I get into my presentation—it won't be long, honestly—anybody can tell me where they are going. It is something you will get for me later, don't mind.

**Mr. Turner:** Mr. Chairman, I cannot tell you exactly where they are going, but I know the company involved, Frontenac Chemical Waste Services Limited, is hauling a considerable amount of waste across the border to Niagara Falls, New York. I would imagine that some is still going into the Upper Ottawa Street site. The remainder is being disposed of across the border and possibly into other landfill sites around the province. It would require considerable effort on our part to document exactly where it is going now.

**Mr. S. Smith:** I do not want to take the time of the committee unnecessarily, but where it says it is going on to a landfill site as a codisposal, the minister must have had something in mind when he said that. What did you have in mind, Mr. Minister?

**Hon. Mr. Parrott:** It is quite possible, I think you know, to landfill liquid wastes at this time.

**Mr. S. Smith:** But where?

**Hon. Mr. Parrott:** That is the point Mr. Turner appropriately makes—

**Mr. S. Smith:** Then, when he was speaking about Niagara Falls, New York, he did not mean that?

**Hon. Mr. Parrott:** I am saying that you would, of course, need to have the specific load or the load to a specific site. There are waybills indicating that. In this province and in all other jurisdictions, codisposal is a fact of life.

**Mr. S. Smith:** So I take it some may be going on to the face of the site at Upper Ottawa Street?

**Mr. Turner:** I cannot categorically say no so I suspect that some is, yes.

**Mr. S. Smith:** You suspect that some is, okay. I do not want to waste any more time on that. Thank you very much for your help.

If we start at page 27, it would appear that the minister has mentioned comments that I made about my lack of trust in the ministry's ability to monitor and operate the solidification project based on my experience at the Upper Ottawa Street site and based on the ministry's handling generally of liquid wastes. I have come to the honestly held opinion, with which the minister may well differ, that the ministry is not a reliable operator of these sites. Even when it is the region operating them and the ministry simply has the responsibility to make sure the certificate of approval is compiled with, the ministry cannot be, in my view, trusted to do well.

**Hon. Mr. Parrott:** Do we understand for sure who operated the Upper Ottawa Street facility?

**Mr. S. Smith:** The region.

**Hon. Mr. Parrott:** Who allowed the material to come in or not?

**Mr. S. Smith:** I would say—

**Hon. Mr. Parrott:** Whose decision was that?

**Mr. S. Smith:** The material that came in there presumably was allowed by whoever was at the gate operating the thing.

**Hon. Mr. Parrott:** An employee of—

**Mr. S. Smith:** Of the region, but the ministry had given a certificate of approval on that landfill site. The ministry had led the region and the people of the area to believe with that certificate of approval that would mean this already overused landfill site, which we all agreed was long past its time, would in fact receive only those wastes generated in Hamilton-Wentworth.

The minister must surely recognize that the ministry had some responsibility to check up on this—

**Hon. Mr. Parrott:** Yes.

**Mr. S. Smith:** —and in fact did not do so.

**Hon. Mr. Parrott:** Not so.

**Mr. S. Smith:** Let me go back then. Will the minister not agree that what happened at Hamilton-Wentworth is that wastes came in at various hours, including the middle of the night, and that individual truckers had keys to the site? It was well known in Hamilton that those keys were used, and people who make their living scavenging at the dump, if you like, have reported clear and

unequivocal evidence of such dumping occurring.

Certain individuals went to the ministry with the famous Coke bottles, which you disparage because you say they were merely Coke bottles, but with what they purported to be evidence that in fact much of the material coming in was coming in from elsewhere and was just being sort of fronted through the Interflow or K and D site, going in one end of the tank and out the other end of the tank and that even, at times, trucks were sent directly to the site.

8:20 p.m.

I don't know how much detail the minister wants to go into about Upper Ottawa Street, but I am prepared to go into great detail. I do not want to take the time of the committee unnecessarily, but I am happy to do so.

**Hon. Mr. Parrott:** Will you go so far—and I think we are fortunate enough to have those people here tonight—as to name the person who has been muzzled or who has been paid off? Will you go that far?

**Mr. S. Smith:** Hold it now, just a moment. Let us deal with one at a time, Mr. Minister.

With regard to the person who has been muzzled, I would like to be able to name him. I know who he is, but my assistant has been specifically asked, and I quote, "Consider that I need the job; I have a family to feed." I have been told that he has been told about section 87, I believe it is. Forgive me if I am wrong, but there is a section which plainly is intended to tell people that if they come across confidential material in the course of carrying out work for the ministry, let us say information about a company's way of handling chemicals or whatever, they are not to divulge this information. That has been interpreted wrongly, in my view. That has been interpreted to this man to mean, "You must not talk to the researchers from the Liberal Party." That section has been quoted to him.

**Hon. Mr. Parrott:** By whom?

**Mr. S. Smith:** By his superior.

**Hon. Mr. Parrott:** I think his superior is here.

**Mr. S. Smith:** Well, what do you want me to do about it? If his superior is here, I am delighted. I cannot tell you who it is because the guy has specifically—

**Hon. Mr. Parrott:** If you want that assurance, there will be no charges.

**Mr. S. Smith:** He does not believe you. He specifically has said—



**Hon. Mr. Parrott:** That's what you keep saying, Dr. Smith. Do you want it from the deputy?

**Mr. S. Smith:** No, I don't want anything from you or your deputy. I am here for discussion of the charges you made yesterday.

**Hon. Mr. Parrott:** I understand you can't trust me. I can accept that, but can you accept the word of the deputy?

**Mr. S. Smith:** I have nothing against the deputy nor do I have anything against your own word. I think from time to time you are misinformed, but you may think the same of me. What I am saying to you, sir, is simply that there is an employee of the ministry who stopped talking to us and told us that section 87 had been quoted at him by his superior. He begged us not to continue to talk to him because he had a great fear of losing his job when he has a wife and family to support. He said those things, I am assured he said those things, and that is what I refer to when I speak of a muzzle.

With regard to this question of "on the take," are you talking about what I said in Harwich or are you talking about what happened a year ago in Hamilton on CHCH-TV?

**Hon. Mr. Parrott:** I think you repeated both—

**Mr. S. Smith:** No, they are different, they are very different, and I wish you would understand that.

**Hon. Mr. Parrott:** Let us deal with what you said on CBC.

**Mr. S. Smith:** CHCH. I know what you are talking about. I'm sure you have the chronology which I handed to you.

**Hon. Mr. Parrott:** I do.

**Mr. S. Smith:** Good. On that occasion I said there is a lot of money involved in the hauling and disposal of liquid waste.

**Hon. Mr. Parrott:** Can I put that one on the record?

**Mr. S. Smith:** I'm sorry, that there is a lot of money involved?

**Hon. Mr. Parrott:** No, the CHCH-TV—

**Mr. S. Smith:** Sure you can put it on the record, go ahead.

**Hon. Mr. Parrott:** "If I knew it, most of the other politicians knew it. How come the ministry didn't know it? Somebody must have been looking the other way, either because of gross stupidity or because they were paid to look the other way." Is that a direct quote?

**Mr. S. Smith:** That's a direct quote.

**Hon. Mr. Parrott:** Was that not very clear?

**Mr. S. Smith:** Yes, that is very clear.

**Hon. Mr. Parrott:** You are making an accusation of one of two things.

**Mr. S. Smith:** Yes, one of two things.

**Hon. Mr. Parrott:** Stupidity.

**Mr. S. Smith:** Either stupidity—I said it is inconceivable to me, Mr. Minister, that people, if they were efficient, intelligent people operating in their jobs properly, could fail to know what virtually everybody else there knew, (a) that the material was coming from outside Hamilton in contravention of the certificate of approval, and (b) that it was being dumped in the middle of the night and at other times, and so on. It is inconceivable to me that they would not know it.

I said, "Look, there is a lot of money involved in the hauling of liquid waste." I said if those officials did not know this was going on when everybody else at the dump knew, then either they are grossly stupid, incompetent or whatever words I used, or they have been paid to look the other way. That is either/or. I have not said they have been paid to look the other way. I will accept the defence of gross stupidity.

**Hon. Mr. Parrott:** If we choose to take the other defence, are you then prepared to say you believe that—

**Mr. S. Smith:** If you say that you were—

**Hon. Mr. Parrott:** I don't think our staff was grossly stupid, if that is what you are saying.

**Mr. S. Smith:** That is fine. You are entitled to say they are not grossly stupid. That doesn't mean I believe you.

**Hon. Mr. Parrott:** If they are not grossly stupid, then it is obvious that you believe—

**Mr. S. Smith:** No, not at all. I happen to think they are one or the other and, more likely, that they are incompetent.

**Hon. Mr. Parrott:** You also said that is a lot of money that is going into somebody's pocket. It seems to me that the next sentence pretty well eliminated—

**Mr. S. Smith:** No, that was not the next sentence.

**Hon. Mr. Parrott:** —the charge that millions and millions of gallons—

**Mr. S. Smith:** That is right. Millions and millions of gallons of liquid waste were being dumped somewhere. A lot of money was being paid to the company to dump it.

**Hon. Mr. Parrott:** There is a slight difference, Dr. Smith, between going into someone's pocket—

**Mr. S. Smith:** It could be someone in the company.

**Hon. Mr. Parrott:** —and a legitimate payment into—

**Mr. S. Smith:** A legitimate payment is money to deal with that liquid waste according to the certificate of approval. That is what people are paying for. They were not paying for the stuff to be sprayed down the main street of Hamilton or anything else. They were paying for it to go into the dump in accordance with the certificate of approval.

If it was going in without that, if, for instance, it was going in one end of the Interflow tank, when Mr. Dennis Martin was there, and being taken out of the other end at the same time in order to pretend that this was a Hamilton recycling industry, which is one of the defences we were given by some of your people at one point, then somebody was making an awful lot of money for not doing anything. They were not doing anything with that waste as it was going in one end and out the other. That is a lot of money in somebody's pocket.

That did not mean money in the pocket of an official of the ministry. If you have taken it that way, then I certainly say you are wrong to construe it that way.

**Hon. Mr. Parrott:** With respect—

**Mr. S. Smith:** With respect, I am saying that to you.

**Hon. Mr. Parrott:** —I do not think that is the inference on any occasion that you have made.

**Mr. S. Smith:** You kept taking the other inference. You like to stand up in the House and keep saying that I have accused your officials of being corrupt. You say it over and over again. It is most insulting to me.

**Mr. Watson:** On a number of times, you have called them a bunch of baboons.

**Mr. S. Smith:** Would you like to talk about that next? I am quite happy to do that. I will certainly get to that point. In the meantime, the minister has asked that we talk about that particular matter.

**Hon. Mr. Parrott:** The interesting thing that you are doing is that because you say you cannot identify one person, for whatever reasons you say—

**Mr. S. Smith:** Who is muzzled.

**Hon. Mr. Parrott:** Could that be understood, that he will not be chastised? He does have those rights more so than others.

**Mr. S. Smith:** I will go back to him and ask him. If he says it is all right, I will tell you about it.

**Hon. Mr. Parrott:** For one year plus, you have left the shadow on every single employment in our Hamilton region.

**Mr. S. Smith:** I certainly hope so.

**Hon. Mr. Parrott:** You hope that there is a shadow on every single employee?

**Mr. S. Smith:** Yes, in terms of their competence, absolutely.

**Hon. Mr. Parrott:** He happens to be sitting there.

**Mr. S. Smith:** I don't mind if he is sitting there. I'll say that to anybody. I am saying it to you, and you are the minister. We have ministerial responsibility in this province.

**Hon. Mr. Parrott:** Indeed, and I accept it.

**Mr. S. Smith:** Good. Then why are you pointing to the end of the room there?

**Hon. Mr. Parrott:** The man who sits there was the regional director at that time. I would like you to say that to him, because he suffered those abuses that you heaped on his head.

**Mr. S. Smith:** And well he should have. He was visited with the evidence which indicated that there were lots of reasons to believe that the waste going into Upper Ottawa Street was from outside Hamilton-Wentworth. He was the one who said he had day-to-day control and day-to-day knowledge of what was going in. Remember that? Then it changed to year-to-year knowledge of what was going in. Then it took 44 man-days to do an audit in the ministry to find out what was going in. Then, at the end of the audit, you didn't know what happened to half a million gallons and it turned out 90 per cent of what was going in was from outside Hamilton-Wentworth. Yes, he has lots to answer for.

8:30 p.m.

**Hon. Mr. Parrott:** I wonder if Mr. Macfarlane would come forward?

**Mr. S. Smith:** It's up to you how you want to conduct your time.

**Hon. Mr. Parrott:** It's kind of nice to look this "grossly stupid" person in the eye and say—

**Mr. S. Smith:** If you wish to call him that.

**Hon. Mr. Parrott:** No, Dr. Smith. Let's not switch the words too far. They are your words. He is either grossly stupid—it's all on the tapes—or one of his employees is. Those are your words.

**Mr. S. Smith:** That's right.

**Hon. Mr. Parrott:** And I say this man has lived with a shadow for a long time because

of that. I would like him to tell this room some of his experiences.

**Mr. S. Smith:** I have some questions for him. You would like me to ask him some questions?

**Hon. Mr. Parrott:** I sure would.

**Mr. S. Smith:** Mr. Macfarlane, why did you say to the Hamilton Spectator that you have day-to-day knowledge of what was going into the Upper Ottawa landfill site when you did not have such knowledge?

**Mr. Macfarlane:** I think we did have that knowledge at the time within my expectations of the workings of the site. There are a couple of things I want to say, if I may. First of all, there has been this question of Coke bottles and samples coming into the office. It was brought in by a hauler who presented these bottles. I was reminded of this a year later by your research assistant.

**Mr. S. Smith:** Yes, after denying that such a meeting had occurred.

**Mr. Macfarlane:** Yes, I did deny it because it did not occur to me that there was something that happened a year prior to this.

**Mr. S. Smith:** We gave you the date. We told you the date at the time.

**Mr. Macfarlane:** No, I don't think it was given at the time, Mr. Smith. I recollect the question as being, "Did somebody come to your office with a bottle of liquid waste?" The imputation I gathered at the time was that it was something that had happened within weeks of the call. It turned out that the question was dealing with a fellow who came in—I think two people, if I remember rightly—with a bottle of Coke about a year prior to that.

At the time when that Coke bottle was brought in, there was no such thing as waybill legislation. What was happening at the Upper Ottawa Street site was the practice which had prevailed since the site opened somewhere about 1949 or 1950 or thereabouts, according to the people in Hamilton-Wentworth who owned and operated the site. I thought quite clearly in my mind that we had a reasonably good handle on the day-to-day operations of that site.

When the waybills became more used, when we were more adept in the ministry at handling them, then I think we did have an improving handle on all the transactions at the site. But in the interim period before the waybills had reached a state of ease of use in the ministry, I was dissatisfied with what was going on at the site because there were some irregularities which I could not account

for. That was the reason I put Mr. Daoust, who I think is the man you are talking about, to auditing the books of the Interflow company and K and D and reviewing all of the data of the transactions that happened at the site. That took an enormous amount of time but it had to be done with great care. That was done after the legislation was available to us.

**Hon. Mr. Parrott:** Was it before or after Dr. Smith raised the issue in the House that you first suspected and started to make some investigation?

**Mr. S. Smith:** When did you put Mr. Daoust on the Interflow books to audit them?

**Mr. Macfarlane:** Without the dates in front of me, I would have to—

**Mr. S. Smith:** Was it before or after the matter was raised in the press and in the House that you put Mr. Daoust on?

**Mr. Macfarlane:** Before. In fact there was an audit which had started. I hoped that it might have been done with some ease. The deeper we got in, the more we realized that the thing had to be done with all the care of an accountant.

**Mr. S. Smith:** So if you knew you were already doing an audit and the deeper you got in the more care you realized was required because of these irregularities, how could you have stated to the press that you knew what was going on on a day-to-day basis?

**Mr. Macfarlane:** We had the accounts at the disposal site, so we had a pretty clear idea.

**Mr. S. Smith:** You didn't know what it was or where it came from.

**Mr. Macfarlane:** I think we should make it clear that the region of Hamilton-Wentworth received the waste that is coming from the site at the Strathearne slip as being generated within the region. That is the way they looked at it.

**Mr. S. Smith:** Oh no, that is how you look at it. You made that defence once in the press. The fact is, Mr. Macfarlane, the first thing you said to the press was you knew what was going in and where it was coming from on a day-to-day basis. One of the things those people told you at the end of 1976 was that it was just being channelled through. It was coming from elsewhere but the Strathearne site stuff was not to be taken very seriously.

You did not recall that, but it is my understanding that my research assistant called you back with the date of that meeting and you



continued to deny recollection of the meeting. There were three of you at that meeting. All three denied recollection until, finally, one recalled and mentioned it and it was in the press.

As far as this notion that you had day-to-day control, that changed after a while. You said you did not have day-to-day understanding of what went in but you knew what was going in on an annual basis. That was your next statement to the press.

Finally, when I asked for an audit of what actually was going in, a three-month period was chosen. We are not talking about all the other years and so on where waybills were being burned and everything else. We're just talking of a three-month period. It took 44 man-days just to do that audit with the entire resources of the ministry. In fact, Dr. Parrott chastised me in a sense for having put such a heavy load on the ministry, but if it took them 44 man-days to do the audit and then they discovered a discrepancy of half a million gallons in just the three-month period, how could you say you knew what was going on there?

Mr. Macfarlane: It was for the reason I said before—we knew what was going into the site, or was purported to go into the site, by truckloads on a day-to-day basis from the records of Hamilton-Wentworth, which was operating the site.

Mr. S. Smith: Anybody could say X number of trucks have come in during the daylight hours. That does not mean you knew what the chemicals were, or where they came from, or whether they were in violation of the certificate of approval, Mr. Macfarlane.

Mr. Macfarlane: With respect, on this question of daylight hours and evening hours, the control of the site lay with Hamilton-Wentworth.

Mr. S. Smith: I know that.

Mr. Macfarlane: We made quite a substantial effort to have people out at night to see if we could catch haulers dumping illegally. We did not. But we had the place staked out on a number of occasions at the site at Upper Ottawa Street, as indeed we had staked out the site at the Strathearn property.

Mr. S. Smith: Except there were a number of drivers, as you know very well, who had the key. We know of an instance where they came in the middle of the night yet somehow when you were staking it out they just did not happen to come. All right. These things happen I suppose.

But I'm unhappy with the statements you made giving the clear impression that you knew what materials were going into that dump and where they originated—if you knew they were in compliance with their certificate of approval you had to know where they originated. Those statements turned out not to have much credibility, Mr. Macfarlane.

Mr. Macfarlane: Again, I say that when I made those statements I made them with an honest belief that we had a good handle on what was going into the site.

Mr. S. Smith: Then it seems to me you had a whole audit going on because you did not believe you knew what was going into the site.

Hon. Mr. Parrott: I think several points have to be made here. First of all, there are two or three issues. One, if I gave you a vial of blood tonight would you like to make a diagnosis on that blood and then tell me that I might not be suffering with an illness that was easily diagnosed in that vial of blood? I think there is a very direct comparison here, Dr. Smith. You have a vial of blood and you know the haemoglobin count is too low or too high. You can make that very positive diagnosis. But you do not know that was my blood, because you did not draw it from me. You sure would not go into the courts and testify that my haemoglobin count, to make the illustration, was high or low based on a vial of blood that you had no idea of where it came from.

Mr. S. Smith: Of course not.

Hon. Mr. Parrott: I say it is an identical illustration of a vial of liquid waste that is handed to this man who has no idea where it came from.

Mr. S. Smith: Nobody is asking him to go to court about it.

Hon. Mr. Parrott: He knows what is in it but he does not know, nor could he prove in a court of law—

Mr. S. Smith: Nobody is asking him to go to a court of law.

8:40 p.m.

Hon. Mr. Parrott: But you are saying here is a vial of bad liquid and you should take that to the court and prosecute someone you don't know.

Mr. S. Smith: I have never suggested any such thing.

Hon. Mr. Parrott: What have you suggested?

**Mr. S. Smith:** If you would listen. Dr. Parrott, I ask of you to be serious for a moment.

**Hon. Mr. Parrott:** I will get as serious as you are. Tell me what you wanted with that.

**Mr. S. Smith:** What I wanted with that? All right. A reputable hauler goes to the trouble of coming to the ministry and saying: "This Upper Ottawa Street landfill site which, supposedly, is just for waste from Hamilton-Wentworth is really becoming the biggest dump around for waste from as far away as Massachusetts, New York State, Virginia and all points in all directions on the compass. What happens is that people go to Interflow and they pretend they are delivering it there for recycling. They put it in one end and then they take it out the other and here are some samples to show you it is the same material at both ends."

**Hon. Mr. Parrott:** There were two vials?

**Mr. S. Smith:** I don't recall.

**Hon. Mr. Parrott:** Let's be specific.

**Mr. S. Smith:** You are supposed to know how many vials there were. There were some vials, more than one.

**Hon. Mr. Parrott:** You put this evidence forward—

**Mr. S. Smith:** There was more than one, and they were told—

**Hon. Mr. Parrott:** All right. Was there one or two?

**Mr. S. Smith:** Mr. Macfarlane will tell you how many bottles there were. There may be three bottles for all I know.

**Hon. Mr. Parrott:** No, no. You are telling us what was in that vial, who it came from.

**Mr. S. Smith:** Yes, I am telling you that.

**Hon. Mr. Parrott:** Who did it come from?

**Mr. S. Smith:** A reputable hauler.

**Hon. Mr. Parrott:** Who was it?

**Mr. S. Smith:** It is not up to me to tell you that.

**Hon. Mr. Parrott:** You never seem to get quite to the bottom line. You can't name the employee. You can't name the reputable hauler.

**Mr. S. Smith:** Oh, yes, I can. I choose not to.

**Hon. Mr. Parrott:** That is beautiful.

**Mr. S. Smith:** If you are satisfied with that defence, then you stick with that defence, if that is sufficient for your ministry.

**Hon. Mr. Parrott:** If you think you can legitimately put everybody under a cloud by

not naming a single soul on any occasion, then I think you have a warped sense of justice.

**Mr. S. Smith:** Does Mr. Macfarlane deny that was a reputable hauler? He knows who it was.

**Mr. Macfarlane:** I know very well who it was.

**Mr. S. Smith:** That's right. You can name it if you wish.

**Mr. Macfarlane:** I have to be very frank with you—

**Mr. S. Smith:** You can name it if you wish. I don't mind. It is not I.

**Mr. Macfarlane:** I don't know if I have the privileges of the House here.

**Mr. S. Smith:** Sure you do.

**Hon. Mr. Parrott:** Sure.

**Mr. Macfarlane:** It was Rusty Drew.

**Hon. Mr. Parrott:** All right, he is a reputable hauler.

**Mr. S. Smith:** All right. So he is a reputable hauler; we have established that. Are you satisfied now? There goes that defence.

**Hon. Mr. Parrott:** No, no. Where did it come from?

**Mr. S. Smith:** I am trying to tell you where it came from, but you are busy asking how many Coke bottles there were.

**Hon. Mr. Parrott:** No. I am asking where it came from. Where did it come from?

**Mr. W. Newman:** The member for Hamilton West is an innuendo man; he has always been an innuendo man.

**Mr. S. Smith:** Mr. Chairman, my privileges have been breached by that remark. That is a slanderous accusation and I demand it be withdrawn.

**Mr. Chairman:** I don't believe it is.

**Mr. S. Smith:** I do believe it is.

**Mr. Chairman:** Mr. Newman, I think you ought to be fair. We want to hear this.

**Mr. W. Newman:** Fine. I will withdraw that particular word.

**Mr. S. Smith:** Fine. Let's carry on.

**Hon. Mr. Parrott:** It is almost similar to saying, "There is no need for me to trust Dr. Parrott." That, too, was a comment, but you were able to say that outside of this House.

**Mr. S. Smith:** I can say right here I do not trust you or your ministry to monitor a liquid waste site properly. I say it again. I have said it before, and I shall say it again. Your record is abysmal.

**Hon. Mr. Parrott:** And yours is worse.

**Mr. S. Smith:** You can call me anything you like. I am just telling you.

**Hon. Mr. Parrott:** You can call me the same, but we are indulging in pleasantries.

**Mr. S. Smith:** Can we go on? I don't want to waste the time of the committee, really, Dr. Parrott. I am here to answer suggestions you have made. I wish to answer them. Will you let me answer them?

**Hon. Mr. Parrott:** Up to a point, but somewhat within the bounds—

**Mr. S. Smith:** That's fine. Let's move on.

My case with regard to Mr. Macfarlane rests. It will be up to those who have the chance to read Hansard to decide whether he really was in charge and knew what was happening there, or didn't. As far as I am concerned, it is obvious. My case rests.

**Hon. Mr. Parrott:** It is obvious at that time there was not in this province or in other jurisdictions—

**Mr. S. Smith:** So he shouldn't have said he knew.

**Hon. Mr. Parrott:** —and there is not in other jurisdictions today, a waybill system.

**Mr. S. Smith:** That is correct.

**Hon. Mr. Parrott:** So given the terms of reference for how that man was able to operate—

**Mr. S. Smith:** Given it was impossible to know, then when he said he knew, he really meant he knew within the limits of the possibilities at the time, which were zero.

**Hon. Mr. Parrott:** He knew as he was asked to know, and had every right and reason to know. Those are the conditions that were operative at any given time. You know and I know—we have both agreed—that there was illegal hauling. Why did we go to the courts if we didn't think so? Why, long in advance of your raising the issue, were we attempting to gather the evidence, not on Hansard—

**Mr. S. Smith:** On the collection of Coke bottles.

**Hon. Mr. Parrott:** —but on actually sampling a load and seeing it illegally disposed of. That is the kind of evidence that a court would listen to.

**Mr. S. Smith:** Absolutely right.

**Hon. Mr. Parrott:** Not to somebody who brings in a vial and says, "Hey, I think this one from somewhere."

**Mr. S. Smith:** You have a fixation with the court with that vial.

**Hon. Mr. Parrott:** Because that is the kind of evidence we have to gather and you don't have to produce; that is the big difference.

**Mr. S. Smith:** Dr. Parrott, you are absolutely correct—

**Hon. Mr. Parrott:** Good.

**Mr. S. Smith:** —that you couldn't go to court with the Coke bottles. I have never in my life suggested you could have gone to court with the Coke bottles. That is totally a straw man which you have continually set up.

**Hon. Mr. Parrott:** That is the evidence on which you are continually telling us we are not trustworthy.

**Mr. S. Smith:** Dr. Parrott, will you please let me answer that and then go on to your next point?

**Hon. Mr. Parrott:** I have got as much time as we need.

**Mr. S. Smith:** I have the time, too, but the committee has other questions. In fairness, with regard to the Coke bottles, would you like me to tell you what you should have done with the Coke bottles? Are you interested in knowing?

**Hon. Mr. Parrott:** I am not sure about that. I would think you do that at your own risk.

**Mr. S. Smith:** Fair enough.

A reputable hauler comes in. Last time I said this you got off on the notion that I wouldn't name him. Now he has been named and you agree he is a reputable hauler.

**Hon. Mr. Parrott:** If we go much further we will have the entire puzzle.

**Mr. S. Smith:** We might. As a gentleman, I felt I had to respect his desire not to be identified, but with the deputy minister's assurance—I am sorry; is there something bothering the member for Chatham-Kent? What's wrong with you?

**Mr. Watson:** Nothing. That is your opinion that you are a gentleman, but okay, go ahead.

**Mr. S. Smith:** The gentleman had asked that he not be identified because he fears for his job. With the assurance of the deputy minister, I can go back to him and ask if he is willing to be identified, but for the moment I have to respect what he said. Do you not understand that?

**Mr. Watson:** I wasn't referring to him; I was referring to the fact that you were a gentleman and that is your opinion.



**Mr. S. Smith:** All right.

With respect to the Coke bottles, a reputable hauler goes to your man in the region and says, "This site is being operated in violation of its certificate of approval. The stuff is coming from elsewhere and here is some evidence of the gimmick they are using by which they get it in."

**Hon. Mr. Parrott:** Right.

**Mr. S. Smith:** Fine.

**Hon. Mr. Parrott:** And before you raised the issue, we were investigating.

**Mr. S. Smith:** Good. Excellent. He got that evidence. He forgot, of course, that he received it. He forgot he received it and then he remembered later that he received it.

**Hon. Mr. Parrott:** It is kind of important that we were taking evidence before you raised the issue.

**Mr. S. Smith:** I am not going to argue. I can't deny that, Dr. Parrott. If you say you were taking some action, that is great.

**Hon. Mr. Parrott:** Why don't you give us that much credit?

**Mr. S. Smith:** I am prepared to do that, but what I am saying to you is not that you should have taken the Coke bottles and run to the nearest court.

**Hon. Mr. Parrott:** Nor did we.

**Mr. S. Smith:** Of course not. You would have been idiotic to do that.

**Hon. Mr. Parrott:** What did we do?

**Mr. S. Smith:** That is a good question. You say that at some point you sent Mr. Daoust to do an audit on Interflow. I don't know how soon that was after you got the Coke bottles, I am not certain of that, but at some point you did. But what I am saying is you should have had people down there very quickly on the scene at Interflow watching and testing what was going in, watching what was coming out, testing what was coming out, and finding out if what was alleged by that reputable hauler was a regular practice. It is not clear to me that you did that. I am not saying you should have run into court with it. That would have been stupid.

**Hon. Mr. Parrott:** We are agreed on that.

**Mr. S. Smith:** We agree on that.

**Hon. Mr. Parrott:** Perhaps we can also agree on two other things, while we are in the spirit of agreement: (a) we did a considerable amount of investigation—

**Mr. S. Smith:** I didn't know that. You are saying you did. I can't deny it; I don't know.

**Hon. Mr. Parrott:** —before you asked; we say we started it.

**Mr. S. Smith:** That's fine, you say it.

**Hon. Mr. Parrott:** After you asked, we did a great deal more.

**Mr. S. Smith:** Yes, indeed, you did.

**Hon. Mr. Parrott:** I am only trying to draw the logical conclusion. We were on the same path—

**Mr. S. Smith:** But you were on a much better path after I brought it up, I will tell you.

**Hon. Mr. Parrott:** No, no.

**Mr. S. Smith:** Oh yes. Come on, admit that.

**Hon. Mr. Parrott:** As a matter of fact, the other night—

**Mr. S. Smith:** Okay. Don't admit it. I don't care.

**Hon. Mr. Parrott:** —if you will read the record, I said the other night here in this House, "Yes, let's give Dr. Smith some credit"—

**Mr. S. Smith:** Thanks.

**Hon. Mr. Parrott:** —"he spurred that action." But I want to be equally clear that you didn't set us on that road in the first instance.

**Mr. S. Smith:** All right. I have no way of denying that, Harry.

8:50 p.m.

**Hon. Mr. Parrott:** Secondly, we did lay some 100 charges.

**Mr. S. Smith:** I want to get to those. All right. Let us talk about the charges. Do you want to talk about the charges?

**Hon. Mr. Parrott:** So, you see, we were taking this very seriously in advance of you.

**Mr. S. Smith:** The charges did not result from anything that happened in advance of me.

**Hon. Mr. Parrott:** Yes they did.

**Mr. S. Smith:** The charges came from the audit; you know they came from the audit.

**Hon. Mr. Parrott:** But that all started in advance of your questions.

**Mr. S. Smith:** The audit was done when I demanded the waybills from Interflow.

**Hon. Mr. Parrott:** That is correct.

**Mr. S. Smith:** That is right, Then you did the audit of the waybills in response to my request. You took a three-month period and did an audit of waybills. In fact, you stood up in the House to apologize for the fact

that it was not ready yet and to tell me it was taking 44 man-days of time, and so on.

Hon. Mr. Parrott: That is true.

Mr. S. Smith: That is right. From those waybills you determined that there were half a million gallons unaccounted for. In its defence, the company said, "The reason is that the waybills were not accurate," in essence.

Hon. Mr. Parrott: That is partly correct too.

Mr. S. Smith: You said: "Ahah, they are not accurate. We will charge you with having inaccurate waybills." In essence, that is what happened.

Hon. Mr. Parrott: No, we charged them with a great deal more than that, and you know that.

Mr. S. Smith: Basically, it was inaccurate waybills. In essence, that is what it was.

Hon. Mr. Parrott: You know there was a great deal more than that.

Mr. S. Smith: Why do you not admit it? It came out of those waybills; it came out of that audit, right? Do you admit it came from that audit? It came from that audit.

Hon. Mr. Parrott: Yes, it came from that audit.

Mr. S. Smith: Okay.

Hon. Mr. Parrott: That audit was part of our long-term program.

Mr. S. Smith: You say so, but it was in response to my question; even in the House you said that.

Hon. Mr. Parrott: Why can we not share part of the credit in having an audit? Would that be so—

Mr. S. Smith: Okay, you may have part of the credit. Can we move on just a little?

Mr. W. Newman: Mr. Chairman, I think this conversation back and forth is fine, but I think it should go through the chair.

Mr. S. Smith: Thank you very much, Mr. Newman. That is fine.

You went on, Mr. Minister, on page 37, to say you wanted me here. What else did you say? We talked about the allegations about somebody being on the take, and so on.

As to Harwich, I think you should know what was in fact said there, because now that you see that the Upper Ottawa Street problem was the paradigm, you can understand why I told the people in Harwich that I personally felt there were a few things necessary. Let us get down to it.

Hon. Mr. Parrott: You bet we will, because there is a world of difference between

Upper Ottawa Street and Harwich, and you should know it.

Mr. S. Smith: Excellent, fine. That is fine and dandy.

Hon. Mr. Parrott: Do you know? Do you know the difference?

Mr. S. Smith: Who is going through the chair now, Mr. Minister?

Hon. Mr. Parrott: I am sorry. You are right. May I ask Dr. Smith if he knows the difference between the procedures in Harwich and in Upper Ottawa Street?

Mr. S. Smith: You will have your chance to ask me during the Premier's estimates next year.

Mr. Chairman: You fellows have it out free, you do not need me.

Mr. S. Smith: Thank you, Mr. Chairman, that's the stuff. Good for you, Mr. Chairman.

Hon. Mr. Parrott: I would not want to show any disrespect to the chair.

Mr. S. Smith: All right. I really want to take only about another five minutes on this, but I will take as long as you require because I really want this straight.

Hon. Mr. Parrott: So do I.

Mr. S. Smith: I am going to be able to go around and say to people what I think of you as Minister of the Environment. As an individual, as a person, you are a fine chap. As Minister of the Environment, in my view, I do not think you are very good. That is fine. You may think that I am a rotten person and a bad Leader of the Opposition. You are entitled to both those viewpoints, if you wish.

Hon. Mr. Parrott: I would just as soon have the saw off that we are equally good and equally bad.

Mr. S. Smith: Fine, then let us go on. Give me a couple of minutes to tell you what I told the people in Harwich, all right?

Mr. G. I. Miller: Mr. Chairman, would it not be better if they gave an explanation—

Mr. S. Smith: I really wish I could. I promise I will be quiet and let you answer, but—

Hon. Mr. Parrott: No, no. You are going to do some answering tonight.

Mr. S. Smith: I will be glad to answer. But do you mind just letting me tell you what I said in Harwich?

Mr. Chairman: Let him say it.

Mr. S. Smith: Okay. I noticed that you took the implication that I feel, somehow, that the Environmental Assessment Board

is not trustworthy. The truth of the matter is that I took pains to say that it is trustworthy, and that I believe in the hearing. The one thing I said plainly in Harwich, and I can swear on a stack of bibles to that, is that when it came to not trusting, I did not trust the ministry to monitor the site after it is installed. Let us be plain about that.

I told the people that I thought the hearing would be fair. But I said that to guarantee a fair hearing they would need two things. They would need to know ahead of time which witnesses would be acceptable to the environmental hearing chairman, because to prepare their case intelligently they would have to prepare it around the testimony of certain witnesses; also they should know ahead of time which witnesses would be acceptable to the board, rather than finding out in the middle of the hearing that such-and-such a witness was not thought pertinent.

I said that is the first thing they should ask for; they should go to the board and find out if certain witnesses around whom they wished to build their case would be acceptable and paid their usual fees by the board. It is a reasonable request. You may agree to it or you may not, but it is a reasonable request.

Number two, I said to them they should have some money to do a proper survey of the report upon which this project was being based, a consultant's report, and that they should be able to get consultants of their own to go through the report. They estimated it might cost them \$20,000. I said I really thought they should ask the ministry for that money. Again, you may or may not agree that they should have the money. It is a reasonable request.

At no time did I suggest that the hearing process was not to be trusted; never did I suggest that. What I did say, and what I continue to say, is that the ministry's operation of the site afterwards is what I would have very little, if any, trust in.

Let me go on. I used the Hamilton black box as an example of how the ministry keeps an eye on things; that everybody at the site knew the stuff was going in the solidification site and out the other end, heaven knows where, and at least 270,000 gallons were lost this way. But the ministry was the last to know.

I pointed out that this kind of thing could happen. I also pointed out to them that, with the laws as they were, such a happening was not illegal—that, in fact, the law were so in-

effectual that you could do that and it was not illegal. There I was going on your own ministry's view of the matter.

I said, as well—and we go back to the Mr. Macfarlane episode and so on—that the assurances I was given that they knew what was happening day to day proved not to be accurate, and that it required 44 man-days to do an audit of three months—everything we have already discussed. And I said that 90 per cent ended up coming from outside the area, et cetera.

Then, of course, there is the fact that the local people feel quite angry because they did not know there were chemicals going into that site before. But I had very little to say on that. The Windsor Star had a few choice comments on it, but I did not.

All right. Those are the things I said. I also pointed out the things to which you have already taken exception, and which I tried to explain, such as the fact that somebody had been muzzled.

There was one other point I made to them. I said I had been waiting for site inspection reports on the Upper Ottawa Street dump, and that I had been requesting those reports for nearly two years now. I said that the secrecy of the ministry—a word to which you took offence when I was absent yesterday—in refusing me access to those site inspection reports was incomprehensible. I said it then and I say it here again.

One of them said that she had been speaking to your executive assistant on the matter of those site inspection reports. I cannot vouch for the accuracy of this; I can only tell you that is what one person said to me. She said she was told that the reason I was not getting those site inspection reports had to do with the fact that certain personal comments were appended to, or written upon, those particular site inspection reports. I do not make that as an accusation or even as a true statement.

**Hon. Mr. Parrott:** Then why put it on the record?

**Mr. S. Smith:** I tell you that is what I was told.

**Hon. Mr. Parrott:** Why put those kinds of things on the record if you are not—

**Mr. S. Smith:** Because you have to understand the context of the discussion.

**Hon. Mr. Parrott:** Yes, I have to understand the context of how you would like to have those things on the record.

**Mr. S. Smith:** So she said to me, "That may be why you are not getting the site inspection reports." I have no way of knowing



if that is true. If you say it is not true, I will believe you; but I need some explanation of why I am not getting them.

Hon. Mr. Parrott: You have been told.

Mr. S. Smith: No, I have not been told.

Hon. Mr. Parrott: Yes, you have.

Mr. S. Smith: Dr. Parrott, please tell me again, then. Why I am not getting the site inspection reports?

Hon. Mr. Parrott: As you know, the case is still pending in the courts.

Mr. S. Smith: So what?

Hon. Mr. Parrott: We think those should be dealt with in the court.

Mr. S. Smith: So what? What kind of reasoning is that?

Hon. Mr. Parrott: That is when they will be given.

Mr. S. Smith: What kind of reasoning is that? I have every right to know what an inspector said about that site. That is not going to change anything. If it is in the courts, it is in the courts. So what? There is a lot of stuff in the courts that I already know about.

Hon. Mr. Parrott: Then you will get full knowledge of them.

Mr. S. Smith: I have been waiting two years and you have not shown them to me.

Hon. Mr. Parrott: You have not been waiting two years.

Mr. S. Smith: Close to it.

Hon. Mr. Parrott: No, it is a long way from it.

Mr. S. Smith: It has been about a year and one half since I first asked.

Hon. Mr. Parrott: What is 25 per cent to you?

Mr. S. Smith: Well, if you want to argue that.

All right, that is what I said in Harwich: your record is abysmal; your record in Hamilton is bad; people do not trust your ministry; I do not trust your ministry; I think this was one of the low points, the whole matter of the Upper Ottawa Street site; I am still waiting for the site inspection reports, and it has been a long time since I asked you.

9 p.m.

Hon. Mr. Parrott: Who is going to run the site in your opinion?

Mr. S. Smith: Which site do you speak of now?

Hon. Mr. Parrott: Harwich.

Mr. S. Smith: I imagine either the township will operate it or else the county or a private company will.

Hon. Mr. Parrott: I thought I heard you say that we could not be trusted to run the site afterwards. Did you say that?

Mr. S. Smith: If I said it, what I really meant is the same thing as Upper Ottawa Street where you cannot be trusted to monitor the site. I did say that. Did you hear me say that?

Hon. Mr. Parrott: Yes, I heard you say that, but you also said run the site.

Mr. S. Smith: If I said run, it is in error; it is monitor.

Hon. Mr. Parrott: Have you any idea of the commitment that was made on monitoring?

Mr. S. Smith: I am sure you have committed the world, the moon, Mars. It does not matter. The point is that you do not deliver.

Hon. Mr. Parrott: Oh, Dr. Smith.

Mr. S. Smith: Oh, Dr. Parrott, I presume. You do not deliver; that is the problem. You are a good guy but you do not deliver.

Hon. Mr. Parrott: Nothing could be further from the truth.

Mr. S. Smith: All right. So we disagree, but just do not say I am making charges I am not prepared to make to your face because I am making them to your face.

Hon. Mr. Parrott: You always want to get to the personal level. You do not know how to deal with it otherwise. Today in the House was a perfect illustration.

Mr. S. Smith: Today in the House?

Hon. Mr. Parrott: Yes.

Mr. S. Smith: Oh, on your statement.

Hon. Mr. Parrott: Indeed.

Mr. S. Smith: You were trying to associate yourself with a real environmentalist.

Hon. Mr. Parrott: Dr. Smith, I do not think that those kind of things do us any good as politicians and certainly do not do us any good in the House.

Mr. S. Smith: Here comes the lecture, and I do not need the lecture.

Hon. Mr. Parrott: No, indeed, that is your trouble, because you need a few suggestions. You are great for dishing it out but you are not much at taking it.

Mr. S. Smith: I am listening. Go ahead.

Hon. Mr. Parrott: All right. Then what were the commitments to Harwich on monitoring?

**Mr. S. Smith:** I cannot imagine. I imagine they must be perfect commitments. Forever and ever, amen, you will watch everything that happens there.

**Hon. Mr. Parrott:** No, that was not the commitment. Are you interested in knowing?

**Mr. S. Smith:** It does not matter.

**Hon. Mr. Parrott:** Are you interested in knowing or not?

**Mr. S. Smith:** Not particularly.

**Hon. Mr. Parrott:** You really do not care about the kind of commitment?

**Mr. S. Smith:** No, because your commitments mean nothing.

**Hon. Mr. Parrott:** You will make the accusations but not make them stick.

**Mr. S. Smith:** I am prepared to listen. Tell me what the commitments were, but it will not matter because you do not deliver.

**Hon. Mr. Parrott:** The commitment in Harwich at that time was simply this: If there is any doubt about monitoring that site, the people of Harwich could name the person. We would pay. It would be their person who would monitor and check. I was not talking about someone just with the keys at the gate. I was talking about a technician that they trusted and we would pay. I do not know how much further any person can go in delivering trustworthiness than saying to the very objectors, "You hire and nominate and we will pay the person who will be charged with the responsibility of monitoring the site."

Dr. Smith, tell me how anybody can go further in a trustworthy way of monitoring a site? Suggest a better method.

**Mr. S. Smith:** It is interesting that in Hamilton—

**Hon. Mr. Parrott:** No, let us come on.

**Mr. S. Smith:** Why is Hamilton inferior? Why were we not given such a good method if it is so great?

**Hon. Mr. Parrott:** Because you and I know that site is now closed and closed to stay. You want to tackle this issue on Harwich. We were talking about Harwich and you insisted that we pay.

**Mr. S. Smith:** I want to give you an example of what happens when you hire somebody.

**Hon. Mr. Parrott:** I would like you to answer the question on Harwich.

**Mr. S. Smith:** I am going to answer it. You sent in an expert in Hamilton to test to see how solidification was going. He wrote

a nice report, which you distributed, saying how great everything was. Only later on he had to append a little page in that report pointing out that the samples upon which he based the statement that everything was going just fine in that solidification process were given to him by the company on a day when the company knew he was coming.

It is just not good enough to have an outside individual; it has to be an outside individual who can make spot checks whenever he pleases without letting anybody know. It may be that there is some method whereby somebody other than the ministry can monitor. But this is a sad story, is it not?

**Hon. Mr. Parrott:** No.

**Mr. S. Smith:** To get people to accept a site, you now have to promise them that you will not be doing the job—

**Hon. Mr. Parrott:** I did not say that.

**Mr. S. Smith:** —that the government of Ontario will not be doing a job, but they can hire a private expert to do it.

**Hon. Mr. Parrott:** With respect, Mr. Chairman, that is not what I said.

**Mr. S. Smith:** That is the best thing you can offer.

**Hon. Mr. Parrott:** With respect, Mr. Chairman, that is not what I said and you know that. I said we would take the person on our staff, which obviously means we will do it.

**Mr. S. Smith:** I see, you would hire the person.

**Hon. Mr. Parrott:** We would hire the person but they would name the person.

**Mr. S. Smith:** If that persuades the hearing then I guess that is—

**Hon. Mr. Parrott:** Do you consider that adequate for trustworthiness or monitoring?

**Mr. S. Smith:** I would have to think it over.

**Hon. Mr. Parrott:** It is about time you put up, Dr. Smith. I think you have to make some commitments on whether you are serious about stopping landfilling of liquid waste in this province. We are at that point in time.

**Mr. S. Smith:** Harry, don't try this. The fact of the matter is—

**Hon. Mr. Parrott:** I'll try what I want. You certainly do.

**Mr. S. Smith:** Fine, I am listening. Carry on. What else did you want to say?

**Hon. Mr. Parrott:** What more do you want on monitoring and what more do you think any human being can deliver?

**Mr. S. Smith:** I will deal with that if I am asked to speak at the hearing and I will be

glad to do that. I am telling them you did a lousy job of monitoring in Hamilton.

**Hon. Mr. Parrott:** Yes you will, and you will continue to say that for one lousy reason, and it has nothing to do with trying to address the liquid waste problem. It has everything to do with politics.

**Mr. S. Smith:** Dr. Parrott, I was interested in this liquid waste problem before you even heard of it, my friend.

**Hon. Mr. Parrott:** That is nonsense.

**Mr. S. Smith:** Mr. Gaunt and I went to visit your predecessor to beg him to do something about the liquid waste problem, to come up with a better waybill system, and he told us a story and we did not know whether to laugh or cry in the elevator afterwards as we left him.

Your predecessor did not stay in the job very long, but he told us he had hired summer students who were now surrounded by piles of waybills and were busily attempting to match them up in some way to see if they could possibly figure out where the waste from Toronto was going now that the Beare Road site was closed. They did not think to ask ahead of time where it would go when this was closed, but afterwards these poor students were desperately attempting to figure it out. I just had this picture and we had tears in our eyes with laughter, believe me, wondering about the poor people trying to match these waybills, which were totally inadequate, without even a description of the waste. They were trying to match them up.

We were interested in liquid waste when you were still messing up colleges and universities.

**Hon. Mr. Parrott:** You are beautiful. You are beautiful, Doctor. You don't make a hell of a lot of sense, but you're beautiful.

**Mr. S. Smith:** You too. Why don't we stop it now? Can we agree on that?

**Hon. Mr. Parrott:** There are a few things here yet to be said, because I want the people of Ontario to know the difference between your doom and gloom position and what we have, which is a very legitimate plan. I want this to be heard by you.

**Mr. S. Smith:** We have heard all this before. I am listening.

**Hon. Mr. Parrott:** I wish you were.

**Mr. S. Smith:** I am listening.

**Hon. Mr. Parrott:** No, you are not, you are listening there.

**Mr. S. Smith:** That is true too. You are accurate.

**Hon. Mr. Parrott:** We happen to have a very good long-term plan for liquid waste, and it is a very serious problem. I think in the last two years, nearly, we have come a long way. We have a waybill system that is infinitely improved over what it was.

We are seeking, under the most open process that it is humanly possible to have, and a decision to be made by a citizens' board on the validity of that proposal in Harwich and in Walkers' Quarries, that those two processes will give us a partial solution to the liquid industrial waste problem that this jurisdiction faces, as do all others. We have as well, I think, an excellent long-term concept of how we will deal with the total problem of liquid waste.

We have to start somewhere. Somehow or other, between us, regardless of the politics involved, we are going to have to turn to our environmental assessment board and that hearing process and say to them, "Is this a safe and good way of treating our waste?"

I think it is incumbent upon you and I as members of this Legislature to go to those communities and say one or two simple things. Here is a board that we trust. You have already said that. You did not say—somehow or other that got lost—that this is the board which will make the decision, not the minister, not that untrustworthy guy.

9:10 p.m.

**Mr. S. Smith:** I did say that.

**Hon. Mr. Parrott:** No.

**Mr. S. Smith:** Oh, yes, I did.

**Hon. Mr. Parrott:** No. I am afraid the inference is that we will be running it, we will be monitoring it.

**Mr. S. Smith:** Monitoring.

**Hon. Mr. Parrott:** Well, there is a bit more than that, and we will indeed be totally responsible for that decision. You mentioned it here tonight about ministerial responsibility.

**Mr. S. Smith:** No. No, Harry, honestly, no. Oh, that is when you point at your employee, come on.

**Hon. Mr. Parrott:** No, that was not too long ago.

**Mr. S. Smith:** Come on.

**Hon. Mr. Parrott:** I am saying to you that we have got to make it known to the people of this province that the board itself will decide on the validity of the solidification process and the appropriateness of putting it in Harwich.

**Mr. S. Smith:** I join you in that. I've always said that.



Hon. Mr. Parrott: Do we have the same support from you in Harwich on that as we do in St. Catharines?

Mr. S. Smith: You would have the support. I believe the board is a fair-minded board that will do its job properly, but I have—

Hon. Mr. Parrott: And will make the right decisions?

Mr. S. Smith: It will make the best decisions it is capable of. I will ask that—

Hon. Mr. Parrott: Can you ask for more?

Mr. S. Smith: No, you can't, but I do ask for two assurances; one is that the citizens' group be told ahead of time which witnesses they will be able—

Hon. Mr. Parrott: By who?

Mr. S. Smith: By the board.

Hon. Mr. Parrott: They will be given that.

Mr. S. Smith: Okay, ahead of time, so they can prepare their case, not just as it goes along.

Hon. Mr. Parrott: The board does not get involved with the process until such time as the proposal is there.

Mr. S. Smith: We appreciate that, but you have got to find some way, and I ask you this out of fairness because we both believe in the board. What you are really saying—and let's be fair, let's settle down and be fair—is that the board is the best hope Ontario has because it will be seen to be fair.

Hon. Mr. Parrott: And it is the most open process.

Mr. S. Smith: And we agree on that, all right?

Hon. Mr. Parrott: And we agree there is great hope for solidification.

Mr. S. Smith: Yes, I've said that. I even said that in Hamilton, believe it or not.

Hon. Mr. Parrott: Then why so little emphasis on the good?

Mr. S. Smith: I am prepared to. I came here to respond to your charges.

Hon. Mr. Parrott: No.

Mr. S. Smith: Well, I did. Do you think I haven't anything else to do tonight?

Hon. Mr. Parrott: Why can't we make an agreement that in not only Harwich but in all the other areas we will make it very clear—

Mr. S. Smith: That we believe in the board.

Hon. Mr. Parrott: That we believe in the board and the process.

Mr. S. Smith: And I did, by the way. Chemically, I have said—I even said it in Harwich—

Hon. Mr. Parrott: No, no, the environmental assessment process.

Mr. S. Smith: Oh, yes, I said that.

Hon. Mr. Parrott: Then does it not follow that it behoves you and me to withhold our comments about the process and the appropriateness of the hearing until such time as that process has had its full opportunity? Do you want to prejudge it?

Mr. S. Smith: No, I have not prejudged it.

Hon. Mr. Parrott: Why would it not be reasonable and logical—

Mr. S. Smith: Are you serious? Do you not understand what I am saying to you?

Hon. Mr. Parrott: Yes, I think I do.

Mr. S. Smith: I am saying to you that we agree on the process.

Hon. Mr. Parrott: Then let us try not to prejudice the community's position. Since we agree so much on the process and the quality of the board, can we not allow that process to work itself through without attempting to go into those communities on a selective basis to have not the best of understanding result from it?

Mr. S. Smith: I am asking only two things.

Hon. Mr. Parrott: And you are getting those two things if you will agree—

Mr. S. Smith: No, no. The two things I am asking for are so that the process will work. In fairness, you quote only the negative things I have said about your ministry. Those you say, but you don't point out that I told those local citizens that the board is a fair-minded board. You don't point out that I said the process is a good process. I said those things. Whatever you happen to have in front of you from some little newspaper, I said those things.

Hon. Mr. Parrott: This is the Free Press, and I don't think they would really like to be called "some little newspaper." You may think it that. It represents—

Mr. S. Smith: Jim McGuigan told you that. Come on, Harry. Look, if you want to hear the two points I am making and settle them, we can let other members of the committee get on with their work. No, you don't. You would rather read your article.

Hon. Mr. Parrott: Sure, I'm listening.

Mr. S. Smith: If you really want that board to be believable—and I want it to be believable—I ask you for two things. One

is give the citizens' groups some money so they can have their own people—or the township, I don't mind—give them some money so they can hire their own people to do a proper examination of that consultant's report upon which the suggestion is based. They tell me it will cost \$20,000, I don't know.

**Hon. Mr. Parrott:** They have \$20,000.

**Mr. S. Smith:** Of their own taxpayers' money? Come on, that is a lot of money for these little townships.

**Hon. Mr. Parrott:** It comes out of the same pocket either way.

**Mr. S. Smith:** No, it is not the same pocket. The waste is not coming from their township. The waste is coming from all Ontario; let all Ontario—

**Hon. Mr. Parrott:** If we are going to do it once, we are going to have to do it across the board.

**Mr. S. Smith:** Yes, we should do it across the board.

**Hon. Mr. Parrott:** Okay. Then we disagree on that.

**Mr. S. Smith:** All right. So that's one thing. Now you're talking about the process.

**Hon. Mr. Parrott:** But the implications were to allow the process to work. Money is not the object here. It's whether it comes from us or from someone else. And I say that isn't really fundamental.

**Mr. S. Smith:** It isn't fundamental to the environment.

**Hon. Mr. Parrott:** It's another issue.

**Mr. S. Smith:** I say it's a little unfair to go to a township—

**Hon. Mr. Parrott:** That is another issue—

**Mr. S. Smith:** I know that, but let me say a word about the other issue. I think it's a little unfair to go to a small township and ask it to accept the waste from large cities around, and then to get a fair hearing at the board it has to tax its own people.

**Hon. Mr. Parrott:** No, no. That's where I think you're dead wrong.

**Mr. S. Smith:** You can argue that a judge is fair, but to get a fair hearing from the judge our system demands that people be able to hire a lawyer and that we provide legal aid.

You can argue that the hearing is fair, that the hearing officer is fair, but to get a fair hearing you have to have a chance to make your own case.

**Hon. Mr. Parrott:** You make one very serious mistake.

**Mr. S. Smith:** So we disagree on it.

**Hon. Mr. Parrott:** This is not the technical judicial adversary position.

**Mr. S. Smith:** It doesn't matter. They are going to need their own—

**Hon. Mr. Parrott:** It does matter.

**Mr. S. Smith:** They are going to need their own consultants.

**Hon. Mr. Parrott:** Yes, and they have the money for their own consultants.

**Mr. S. Smith:** They are going to have to pay for it by taxing their own farmers. It's not fair.

I'm surprised the member for Chatham-Kent thinks it is fair to tax your own farmers to pay for these consultants. It is not their waste. That is not fair.

**Hon. Mr. Parrott:** Dr. Smith, if you were in here the other night you would—

**Mr. Watson:** I had to go to Wallaceburg to appear before the Ontario Energy Board. Now they are going to give money to all the consumers associations to appear before the—

**Hon. Mr. Parrott:** The other night we talked about this for an hour and a half, about funding of protesters, and we decided not to agree on that.

**Mr. S. Smith:** Okay. We don't agree on it.

**Hon. Mr. Parrott:** But that does not address the very serious problem that must be addressed—that is, whether or not the hearing will be fair and full. You're saying we cannot have a fair—

**Mr. S. Smith:** I agree, it's a separate issue from that. Now let's get to the witnesses.

**Hon. Mr. Parrott:** The board will have a full and, therefore, fair hearing.

**Mr. S. Smith:** Now let us get to the witnesses. As it stands now, the witnesses the citizens' group may wish to bring will be reported to the chairman, and the chairman will judge whether those witnesses are pertinent and whether they will be paid by the board. Correct?

**Hon. Mr. Parrott:** Right.

**Mr. S. Smith:** Okay. I'm asking you to put your mind to this problem and try to find some way that they can be told this ahead of time.

**Hon. Mr. Parrott:** They cannot. But they can be told in advance of the need of that testimony.

**Mr. S. Smith:** But they have to build a case. If you're a lawyer—you and I are doctors, or you're a dentist and I'm a doctor—if you have to build a case, as a lawyer, you're supposed to have some reasonable idea of what the building blocks of that case will be, what the logical construction will be. That will depend on key witnesses at each point. To find out later on that such and such a witness is not going to be available can really destroy your whole case.

**Hon. Mr. Parrott:** But you've got your \$20,000. You can do that—

**Mr. S. Smith:** But they are using that money. The \$20,000—if you're really interested—is going to be used to hire consultants to do a complete review of the study that has already been done. After that, they wish to go on and get their own witnesses to appear before the board. Having done that, having picked out what they think are the spots that need to be looked at carefully, they want to build their case as best they can, and to make sure that by the time the board makes the decision they have really seen all the pertinent material.

I think it's only fair that if there is not a mechanism now you put your mind to it to give them advance knowledge—

**Hon. Mr. Parrott:** But I'm trying to tell you there is a mechanism.

**Mr. S. Smith:** —let me finish, and then tell me there is—to give them advance knowledge of what witnesses the board will accept. That is what I'm asking for. That is my last request, and I will leave you in peace.

**Hon. Mr. Parrott:** And there is.

**Mr. S. Smith:** There is? That's excellent. The people will be delighted to hear that.

**Hon. Mr. Parrott:** Okay. Do you want to know what?

**Mr. S. Smith:** Do I want to know what?

**Hon. Mr. Parrott:** How?

**Mr. S. Smith:** I'm sorry. What are we saying to each other? I don't quite understand. You mean what the mechanism is?

**Hon. Mr. Parrott:** Yes.

**Mr. S. Smith:** Okay.

**Hon. Mr. Parrott:** That's what we were talking about.

**Mr. S. Smith:** All right. Fair enough. What's the mechanism?

**Hon. Mr. Parrott:** The proponent puts the case first. A transcript is held. If there is need of another witness there is ample opportunity to adjourn a board hearing and make that

assessment before those who rebut the case make their case. There's the transcript—

**Mr. S. Smith:** So they cannot plan their rebuttal until they have heard the proponent?

**Hon. Mr. Parrott:** I would think it would be desirable to hear the total case first. Why would that not make sense? In the environmental assessment process, many of the proponent's proposals are modified during the review process.

9:20 p.m.

**Mr. S. Smith:** I think we're getting a little far afield, Mr. Chairman.

**Hon. Mr. Parrott:** No, we're not.

**Mr. S. Smith:** If you want me to answer that, okay.

**Hon. Mr. Parrott:** I want you to understand—

**Mr. S. Smith:** When you debate you prepare your arguments ahead of time. If you are the negative in a debate, naturally you will tailor your arguments depending on what the affirmative has actually said.

**Hon. Mr. Parrott:** Right on.

**Mr. S. Smith:** Good. But you still prepare it ahead of time.

**Hon. Mr. Parrott:** But the adjournment would allow that period of time necessary to prepare.

**Mr. S. Smith:** The cross-examination might be different, depending on what witnesses you know you are going to be able to come up with later. I'm asking if you want the process to be perceived as fair—

**Hon. Mr. Parrott:** You know that.

**Mr. S. Smith:** I want it to be perceived as fair. We both realize it may be the last hope for us in this matter. For heaven's sake, take a moment to think about it. Take a day to think about it—

**Hon. Mr. Parrott:** I have, but you don't seem to want to—

**Mr. S. Smith:** —and make it as fair as possible.

**Hon. Mr. Parrott:** You don't seem to want to take the time to understand how that's quite possible under the present process. That's the key here.

But what is more important is that you allow that process to start with a relatively clean and open public perception. When it is all said and done it will be very important that there is public acceptability of the proposal or, more particularly, the reaction of the board to the proposal. Do you hope for that much from the public?



**Mr. S. Smith:** Mr. Chairman, I think we've covered the topic.

**Hon. Mr. Parrott:** You've had a good time, and I agree we should conclude soon. But I would like to have a fundamental understanding of what you hope this environmental process hearing will do for not only the constituents of Harwich but for the other hearings that are equally important and that will or will not solve the problems here. What I'm hoping you could see tonight would be the value of not having a prejudgement made in Harwich.

**Mr. S. Smith:** I think we've concluded our discussion, Harry. Thank you.

**Hon. Mr. Parrott:** You don't quite want to answer that?

**Mr. S. Smith:** What is the question you want me to answer?

**Hon. Mr. Parrott:** I would like to know whether you would like to see the opportunity for the full hearing process—

**Mr. S. Smith:** Yes, of course. I've already said that.

**Hon. Mr. Parrott:** —without a prejudgement made.

**Mr. S. Smith:** Yes, of course.

**Hon. Mr. Parrott:** Then do you think you and I could both cool it in Harwich? Wouldn't that help the situation a great deal?

**Mr. S. Smith:** It might help if you cooled it in here too. That's why I had to come in here today, to deal with your near apoplexy of yesterday.

**Hon. Mr. Parrott:** No, I'm as prepared—

**Mr. S. Smith:** Let's just leave it that we'll want to see a fair hearing in Harwich. I've made two requests of you, and you say everything will be fine.

**Hon. Mr. Parrott:** Will you make every effort to do so?

**Mr. S. Smith:** I'll make sure to keep the hearing as fair as possible.

**Hon. Mr. Parrott:** It's a little bigger than that.

**Mr. S. Smith:** I'll do whatever I can. What more do you want me to do? Go around saying that Harry Parrott is a great guy? I tell you, you're not a very good minister and you don't have a good ministry. But I'm prepared to tell people to believe in the Environmental Assessment Board. All right? I will tell everybody I meet from now on that they should believe in the Environmental Assessment Board. What do you want me to say?

**Hon. Mr. Parrott:** I don't want you to pull any punches relative to my ministry, but I wish you would attempt to establish the right climate, along with—

**Mr. S. Smith:** The right climate? All right. I will establish the right climate. Will that get us to another topic?

**Mr. W. Newman:** That's dangerous.

Interjections.

**Mr. S. Smith:** You and I will try to improve the climate. All right? I'll try to improve the climate my way; you try to improve the climate your way. Mr. Chairman, I really think you should move on to another topic.

**Mr. Chairman:** I've listened to this now for an hour and a half—

**Ms. Bryden:** Mr. Chairman, I think we should certainly move on.

**Mr. S. Smith:** I agree. I've been trying to get out for the last 20 minutes.

**Mr. Chairman:** Both of you are professional men, and you may have your honest differences of opinion—that's quite logical. But let me tell you this, Dr. Smith, what I do not like is you—

**Mr. S. Smith:** I'm not interested in what you like, Mr. Chairman. Your likes and dislikes are not relevant.

**Mr. Chairman:** You have made the impression that you cannot trust civil servants. I don't like that. They are not in a position to defend themselves.

**Mr. S. Smith:** He was here to defend himself. He did his job of defending himself. Frankly, I'm not in the slightest bit interested in what you like or dislike, Mr. Chairman. I could not—

**Mr. Chairman:** You questioned my integrity. I'm 74 years old and I'll smack you on the snout.

**Mr. S. Smith:** I do not recall at any time ever questioning your integrity. I never intended to question your integrity. I have never done so.

**Mr. Chairman:** Any of these people, no matter how stupid they may be, like myself—

**Mr. S. Smith:** Just a minute now. Are you accusing them of being as stupid as yourself? Is that what you're saying?

**Mr. Chairman:** When you question people's integrity and they are not in a position to defend themselves—

**Mr. S. Smith:** They were right here defending themselves.

**Mr. Chairman:** I know, but here you have in evidence statements that were made. How can you get people to have any confidence—

**Mr. S. Smith:** I meant the member for Chatham-Kent.

**Mr. Chairman:** —in anybody? I think you're on dangerous ground.

**Mr. S. Smith:** I think you're on totally dangerous ground because, as chairman, it is none of your business.

**Mr. Chairman:** I'm here to defend the civil servants—

**Mr. S. Smith:** No, you're not. You're here to chair a meeting.

**Mr. Chairman:** You attacked the minister.

**Mr. S. Smith:** You're here to chair the meeting.

**Mr. Chairman:** These people are not in a position to answer questions.

**Mr. S. Smith:** The minister can protect them. They don't need the chairman of the committee to protect them. It's the minister who protects them.

**Mr. Chairman:** That's quite all right.

**Mr. S. Smith:** Good. We agree on that.

**Mr. Chairman:** But I don't think they should be attacked by you.

**Mr. S. Smith:** I agree on that. Out of respect to your age and position, I certainly would never consider attacking you on any grounds at all, Mr. Chairman.

**Mr. Chairman:** I've a lot to learn. But on the other hand, when you question a man's integrity you ought to be pretty sure of what you're saying.

**Mr. S. Smith:** I think when you start telling me—

**Mr. Chairman:** That's one thing we have to defend in life.

**Mr. S. Smith:** Don't you accuse me of questioning anyone's integrity, because that in itself is a slur on me. I don't like my integrity questioned. Let's be very clear on that.

**Mr. Chairman:** What did you say about these people making money?

**Mr. S. Smith:** It's a fact. The company made a heck of a lot of money. Somebody inside that company made a lot of money, my friend, a lot of money.

**Mr. Chairman:** If I were just reading from what was said I would say more than one is involved. You cannot work this unless you get a combination of people.

**Mr. S. Smith:** Tell the minister. That's an interesting theory. He has a new theory which I haven't suggested yet. Thank you, Mr. Chairman. It's been a pleasure.

**Mr. Chairman:** We'll let it go at that.

**Mr. Gaunt:** Mr. Chairman, I'll move it along. It will be pretty tame stuff.

**Ms. Bryden:** Mr. Chairman, I hope Mr. Gaunt will not spend very much time on liquid waste. We have only a little over an hour for solid waste.

**Mr. Gaunt:** I haven't had any time on this at all.

**Ms. Bryden:** I agree. But I think—

**Mr. Gaunt:** May I take 10 minutes?

**Ms. Bryden:** The other members of your party have really used up your time.

**Mr. Gaunt:** I think there has been a reasonably fair division of time overall.

**Ms. Bryden:** I've had three-quarters of an hour, and none of my colleagues has spoken on this particular subject at all.

**Mr. Gaunt:** There were some matters I wanted to raise with respect to liquid industrial waste. The minister made a statement on October 17, 1978, in which he set out his seven-point program, having to do with facilities, interim waste storage, waybill monitoring, classification of waste, guidelines and so on.

Some things have happened since then. My friend from Woodbine has dealt with the interim report on liquid industrial waste. The minister's response to the interim report was dealt with. But there were two things with respect to the seven-point program that I thought I would raise.

The first one has to do with the waybill system. The waybill system has certainly improved, there's no question about that, but last October when we went over the estimates of the ministry the minister made several comments and several commitments.

One was that there should be a reconciliation between the amount reported by the generators and the amount reported by the disposers. Two, such information will be provided to the committee at an appropriate time. Three, the ministry will audit various companies to verify the accuracy of the waybill system.

First of all, has there been an audit of the waybill system? If the answer to that question is yes, which companies did you audit, and will you share the results with us?

If you don't have an audit system yet I would like to know when you anticipate having one, and the reasons for the delay. Also, I think the minister last year, during the estimates, made a point, with which I agree, that the waybill system and the monitoring through that could most effectively be done

by a so-called closed system. Has that been achieved?

9:30 p.m.

I think it is necessary to have a good check on all these things going in and coming out, and I am wondering if you have achieved that closed system yet. Underlining all of this is the importance of the waybill system in terms of operational facts and accuracy as to what is going in, where it is coming from and how it is being disposed of.

**Hon. Mr. Parrott:** No, we do not have a closed system yet. I wish we did. On the other hand, there are greater problems we must solve than having a closed system. Until we can get some facilities on stream with which we can treat our wastes—that certainly is where our tremendous efforts have been put this last year, into getting our facilities through the hearing process, and that has taken a lot of time.

We have certainly improved tremendously our waybill system in the last year, and the ability to monitor. It is not perfect yet, but I did not think it would be perfect by this time. For perfection we have got to have, without question, the facilities to treat the total spectrum of waste. We do not have them and that, of course, is what it is all about. Long before we have a total spectrum of facilities to treat waste we certainly will have the total closed system for monitoring. That is the easier part of it.

It will require some specific action on specific industries. I am sure we have the vast majority of it, but it is not closed. I do not know whether Mr. Turner wants to add to that.

**Mr. Turner:** Mr. Chairman, we are doing our best to reconcile. A monthly report is printed out from processing the waybills and any exceptions—that is, situations that we cannot reconcile—are forwarded to our regional operations staff in the six regions. They track these down, and they have been doing a pretty good job. Off the top of my head, I think we are getting better than 90 per cent reconciliation, in the end, of those wastes reported. A lot of the problems are with the mail, quite frankly. Waybills are late in arriving. We are doing a pretty good job, I think.

**Mr. Gaunt:** Right, and would part of the problem also be, Mr. Turner, that some of the waste is going to the US and some of the people in the US do not send those bills back?

**Mr. Turner:** Yes, that is also part of the problem. We are trying to resolve that as well.

**Mr. Gaunt:** I think Mr. Scanlon last year mentioned there was a two-month backlog of data and stated the ministry would try and rectify that. Has that been done?

**Mr. Turner:** We are really not processing the data yet through the central electronic data processing system. We are still doing it in house. We have just recently got to the point where we are ready to place an order for a terminal that we can have in house that will communicate with the main central computer. We would then be processing the data on a true computer. That would give us greater flexibility in our ability to produce reports. We could produce a report on almost anything you asked at that stage.

**Mr. Gaunt:** But your ultimate aim is still to go to the closed system?

**Mr. Turner:** I am not exactly sure if I understand what you mean by a closed system. If you mean where we reconcile absolutely every transaction, yes, definitely.

**Mr. Gaunt:** When you reconcile everything that is coming in with everything that is being disposed of?

**Mr. Turner:** Absolutely.

**Mr. Gaunt:** Okay; do you anticipate in the next year or so that you will have achieved that?

**Mr. Turner:** Being optimistic, yes.

**Mr. Gaunt:** On something similar, what about the computerized industrial water pollution monitoring system? That system records data and sampling results submitted by industries and maintains a record of waste loads and plant performance tested against the limit set by the ministry. I think it is very important in terms of whether you can achieve the requirements under annex 12. You have got to have this before you can achieve that.

**Mr. Turner:** Yes, that is true. In fact, we have plans to resurrect that system in a somewhat modified form later this year.

**Mr. Gaunt:** Do you have the personnel and resources to really do it?

**Mr. Turner:** We believe we have now, that is why we are planning to resurrect it.

**Mr. Gaunt:** You had some 80 companies reporting last year and apparently you have around 180, or should have. Are there plans to get that kind of reporting going?

**Mr. Turner:** Yes, I think the plan is to try to get the system operating in total, but in a



somewhat modified form than was used previously; a simplified form. I think ultimately we would probably have in excess of 300 industries on the system.

**Mr. Pitura:** Mr. Gaunt, we have a meeting set up for next week with our regional people to place before them some questions on how to better implement the industrial waste effluent system; the number of companies, the type of data, the type of input information that they would have to provide. Once we get that input from our regional people we will go back to our drawing board and try to come up with an improved input system and then look at the resources needed to implement that.

What we have been doing with our people on the data side is to put them on the way-bill. That is the number one priority and the next one is the industrial effluent system.

**Mr. Gaunt:** I would really like to pursue those two points but we do not have the time. I notice there have been some substantial increases in the quantities of liquid industrial waste between December 1979 and January 1980; acids, 16 per cent increase; chemical fertilizer wastes, 111 per cent; PCBs, 2,113 per cent; plastic resins, from November 1979 to January 1980, a 354 per cent increase; and pesticides from the same period, 207 per cent.

Some of the processes that the ministry hoped would be in place with these chemicals are not in place and I am wondering what is the status of some of these processes—for instance, organic sludges, a rotary kiln, a fluidized bed incinerator, how do we sit with those? Rich organic liquid, cement kiln—I think I know how we stand there, but on the other two what is the current situation?

While Mr. Turner is answering, perhaps he could deal with the lean organics, the vetox and the ultra filtration, carbon absorption, biological oxidization. Are those things still in the mill?

**Mr. Turner:** Yes, Mr. Gaunt, they are. I think you should recall that the Tricil incinerator is still burning somewhere in the order of 20 million gallons a year of organics, a lot of it is lean organics as well. The sludges and the things that that incinerator cannot handle are currently going to landfills. There is really no other place to put them at the present time. The MacLaren study, which is under way and which is being referred to, will in fact include facilities for incinerating those. The recommendation is probably going to be a rotary kiln or something of that kind.

**Mr. Gaunt:** Are any of the lean organics going into deep well disposal?

**Mr. Turner:** The only thing that is being disposed of in deep wells in the province at the moment is cavern washing brines from the petroleum industry down in the Sarnia area.

**Mr. Gaunt:** I will leave that. I want to make one brief comment about the Ajax matter. As you know, the regional municipality of Durham is making the proposal to deal with. I believe, 8.8 million gallons of toxic industrial wastes; I think it has proposed to deal with cyanides, acids, caustics and all that type of thing.

Some concerns, technically and otherwise, about the proposal have been expressed. I just want to get the ministry's response with respect to those concerns and perhaps we can allay some of them, if nothing else. One thing that has been mentioned is that it appears as though there would be some operational difficulties with the facility. The technical design of the proposal resembles the design somewhat, although not exactly, of the SCA plant in Lewiston, New York, the difference being that the effluent from the Ajax plant would go into the main sewage treatment plant.

9:40 p.m.

I think the actual concerns are expressed in the following terms, as I read it. Significant amounts of the chemicals will be trucked in to treat the 8.8 million gallons of toxic industrial waste. There is no assurance from the Durham region that the plant, if approved, will not be expanded in the future. It could start off at 8.8 million gallons and then expand. That is a concern that has been expressed to me. If that isn't so, great. Put it on the record.

There has been no discussion, apparently, until fairly recently—maybe there has been since—about the operational difficulties of the proposed treatment process. The proposal has not described the experience of the region's staff and its consultants in operating a similar treatment plant for toxic industrial wastes. There is no safeguard against the possibility that some of the wastes, especially oils, may be contaminated with low levels of PCBs. There is no safeguard against the possibility that pathogenic waste may be mixed in with the industrial waste.

There are also some concerns about the adequacy of the bench scale treatability studies which really form the backbone of the technical proposal, as I understand. Then there is the question of zoning. As I under-

stand it, the plant was flooded in the spring. It is in the flood plain. The question is, what happens if you get a big storm and that happens again when that plant is operational? Those are the concerns which have been expressed to me, and I would like your response. Perhaps some of them can be allayed in this way.

**Hon. Mr. Parrott:** But surely those are the very things that the hearing is all about. I think it would really be an abuse of the process if, for instance, I gave you my opinion on one of the common things that we have heard, and that is about flood plains. The zoning is okay; the plant was there, but you are talking about whether it is in the flood plain and whether it can be adequately protected from a flood. I don't think there is any doubt that is exactly the purpose of the hearing and the board will determine whether or not it can be protected from a flood. I am only using that as an illustration.

I think all of those questions really should not be addressed here. I think it is legitimate for you to say, "Here are some of the concerns of the people of that area," and put them on the record, but for me to attempt to respond and say, "Flooding is okay; that's okay, that's no problem," I do not have that expertise and I don't think our ministry should attempt to respond. I am quite content that those issues be placed as concerns voiced by Mr. Gaunt, but I don't think, as the minister, I should attempt to respond.

**Mr. Gaunt:** I can understand that. All I want from the ministry is an assurance that those concerns will be expressly put and will be dealt with at the hearing, because they are certainly concerns which have been expressed to me, and I think it would be well to allay them and deal with them at some point.

**Hon. Mr. Parrott:** I don't think we have anyone here who is at that hearing. Mr. Turner, have you been at them all?

**Mr. Turner:** Not at all of them.

**Hon. Mr. Parrott:** That's what I meant.

**Mr. Turner:** But I think I can say confidently that all of the concerns Mr. Gaunt has mentioned have been raised before the board at the hearing to date, without exception.

**Hon. Mr. Parrott:** Mr. Caplice is here and eventually the board will be recommending to him.

**Mr. Gaunt:** Fair enough. Thanks, Mr. Chairman.

**Mr. Chairman:** Ms. Bryden.

**Ms. Bryden:** I am ready to move on to the solid waste—

**Mr. Gaunt:** Just before you do, could I have the cost of the M.M. Dillon report on facilities storage of PCBs? You can get that for me and pass it along.

**Mr. Turner:** I think to date we have paid just slightly over \$160,000, as of the end of March 1980.

**Mr. Chairman:** We will allow you to get your question in, Mr. Haggerty.

**Ms. Bryden:** As long as it is short.

**Mr. Haggerty:** Thank you, Mr. Chairman. I have been waiting for a couple of days.

**Ms. Bryden:** We have only three-quarters of an hour left.

**Mr. Haggerty:** I could use three-quarters of an hour, I suppose.

**Mr. Chairman:** In fairness, I would have to say that this controversy went on longer than I anticipated, and I am prepared on Wednesday, if the committee sees fit, to go to one o'clock instead of 12:30, if we feel there is something that should be discussed. This is a very important subject. I can understand that, and I have no intention of trying to cut anyone off, because I realize it is informative and a lot of things perhaps are being cleared up. I want to be fair with everybody, and I have no objection to sitting the extra half hour because I think we have lost that in the controversy, but that is up to you.

**Ms. Bryden:** But it comes off another vote, because we need the time for the other votes.

**Mr. Chairman:** It doesn't matter where you use it.

**Mr. Haggerty:** If I understood the debate that took place tonight, the minister said he was willing to accept it any time, even after the—

**Hon. Mr. Parrott:** We have been pretty generous with—

**Mr. Haggerty:** That's right. They were pretty generous words, so I think we should continue with this particular vote here, and if we have to extend the period for the vote another hour and a half I suppose that is what can be done.

**Ms. Bryden:** There is only so much time for estimates. If we run out—

**Mr. Haggerty:** I am sure I won't take 45 minutes. If I can get into it, it will probably be about 10 minutes. I just want some clarification.

**Mr. Chairman:** Make it as short as you can.

**Mr. Haggerty:** I will try to. This relates to the Niagara Waterlog study by the Institute of Urban and Environmental Studies, Brock University, and the study was supported by an Experience '79 grant through the Ontario Ministry of the Environment.

There are about 28 industries that are discharging liquid waste into the Welland River, the Niagara River, Lake Erie and Lake Ontario. Out of the 28, about 11 of them have apparently been approved by the ministry, and have satisfactory means of proper treatment. There are other—

**Hon. Mr. Parrott:** Now that we know what you are wanting to ask about, if that is your question, we have a person, but he is not here—

**Mr. Haggerty:** You have somebody back there.

**Hon. Mr. Parrott:** Yes. Ray Stewart is here, there is no question about that. I would also like the regional director to be here for that vote and he is not here tonight. I can assure you we believe that report is full of inaccuracies, and we would like to deal with it. I was not surprised to hear you asking this question, and I would like the regional director here at the time we respond.

**Mr. Haggerty:** When can he be here?

**Ms. Bryden:** He can ask this under environmental control program, vote 2103?

**Hon. Mr. Parrott:** Yes.

**Mr. Haggerty:** I am agreeable to that.

**Hon. Mr. Parrott:** Rather than let you go on with your question and then say that—

**Mr. Haggerty:** There are some areas that I thought should be clearly understood.

**Hon. Mr. Parrott:** Yes, and we think there are some things that we would like clearly on the record.

**Mr. Haggerty:** Fine.

**Ms. Bryden:** Mr. Chairman, I realize we have moved vote 2104 ahead of where we intended to deal with it, partly because I think there was some misunderstanding of where liquid industrial waste went. In my leadoff, I asked for a number of pieces of information to be presented to the committee in advance of 2104, so I would like to repeat my request and ask that it be available for the next sitting and, if necessary, we may have to devote part of the next sitting to 2104 to deal with that in-

formation, depending on whether it answers the questions or not.

I simply refer you to page R-1200-2 of the May 28 preliminary Hansard, where I asked various questions about the Downsview recycling plant, the percentage of solid waste that is being recycled in Ontario, the percentage of Metro Toronto's waste that is being handled at the Downsview plant and the financial statement for the Downsview plant. I hope that information will be supplied.

9:50 p.m.

**Hon. Mr. Parrott:** We have it right here, Ms. Bryden. You are welcome to see it. I've not had a chance to do other than to glance through it.

**Ms. Bryden:** We had asked for it in advance so that we could ask questions on it. I would prefer to see it, rather than take up a lot of time bringing it out now. If we could have it tonight, it would be very nice. I had two or three other items I wanted to deal with.

The second piece of information I want is on the landfill identification program. I asked in the first session what vote that came under and was told that the follow-up on the identification of abandoned dumps was under vote 2104. During last October's estimates Mr. Pitura said there were three phases to this program. Phase one involved sending out university students last summer to locate the abandoned waste sites and try to find out what had gone into them.

In June of 1979 we were told the report would be available in the fall. Then in the fall we were told it would be available early in the new year. Is that report on what the students found, where the sites were and what the records were as to what the sites had been receiving, available?

**Hon. Mr. Parrott:** I do not know. Maybe Mr. Martin Wood wants to answer that.

**Mr. Wood:** Mr. Chairman, the inventory phase was completed last year, but the results had to be sent back out to the regions to be checked for accuracy. A number of errors were discovered. The report will be finished by the end of this month.

**Ms. Bryden:** Are you now proceeding with phase two, which I understand was the selection from those sites located of a number that would have further testing as to what is in them, as well as further analysis and perhaps abatement procedures?

**Mr. Wood:** Phase two is about to get under way. The contractors will be hired and



working some time in July. A priority rating was given to the sites, based on the type of waste reported to have gone into the site and on proximity of development to the site. This set the priority ratings for these sites, and they will be investigated first in phase two of the program.

**Ms. Bryden:** Did you, from the initial reports, find any situations in which immediate action was required? Say, for example, it was indicated that a site was a potential Love Canal or had some material that might surface or produce dangerous gas.

**Mr. Wood:** During the study, we instructed the contractors to inform the ministry if they came across any situation that in their opinion required immediate action. This was done, and 16 such incidents were recorded. The ministry has reacted to all of those with field investigations; we have either determined that there was really no problem, or have identified the problem and worked with it, and have it under control at present.

**Ms. Bryden:** On how many of the 16 did you have to take remedial action? Were they dangers of a serious nature?

**Mr. Wood:** There was none of a serious nature. As I say, the regional offices responded immediately to that and investigated. In fact, there are some cases in which an ongoing program within the ministry, a waste management improvement program, gave funding to the local municipalities to assist in abatement measures. That was done in three of the 16 cases so identified.

**Ms. Bryden:** Were any of the sites which the students surveyed private ones?

**Mr. Wood:** There were a number of private sites, or sites which had been privately owned.

**Ms. Bryden:** Did any of those require remedial action by the company owning them?

**Mr. Wood:** None under this. However, there is a listing which will be going out simultaneously, naming any of the privately owned on-site facilities which had been used and closed prior to 1971, and which would or therefore have been certified; such cases or which we do not have sufficient information on file to satisfy us that they are creating a problem will be a part of the phase two field investigations. Different terms of reference will be used. We feel this is necessary because we will have to be more specific regarding site and waste.

**Ms. Bryden:** In the list you tabled on June 2, 1979—which incidentally was the last day

of the session, so we had little time to study it—I notice uncertified sites listed as currently accepting liquid industrial wastes from private firms. Two were listed under that category: Crawford Allied Industries Limited in the town of Vaughan, and Gormley Sand and Gravel Limited. Are those sites still receiving liquid industrial waste?

**Mr. Wood:** I do not have that information with me at this time.

**Ms. Bryden:** Presumably, if they were uncertified, there were no regulations on the kinds of wastes allowed or on the disposal of them. Is that correct?

**Mr. Wood:** If they were not certified, no, there would not have been.

**Ms. Bryden:** You do not know whether they were included in the survey of sites? They are not necessarily abandoned sites, but are just listed as uncertified sites currently accepting?

**Mr. Wood:** I do not have that information.

**Ms. Bryden:** Perhaps you could obtain for us information as to whether this sort of site is being monitored. Being uncertified, I would hope that perhaps these sites are being certified for only certain kinds of wastes in the future. So you have presumably drawn up the criteria for selecting the sites with which you will deal this summer. Are those criteria available? Can that be tabled?

**Mr. Wood:** The criteria were based on the type of waste and the proximity of development to the site. The type of waste that would be considered most important—I said it was reported to have gone into the site—was waste other than municipal. Despite the very low level of confidence in some of the information, we are going to investigate all of these sites because of the possibility of persistent toxic wastes remaining. We will also tie this in, as I say, to the proximity of development, so that if there is any concern about public health we will pick these cases up first. This does not mean, by any means, that the remainder of the sites will not be investigated. It is simply a rationale for identifying the sites to which we feel we should go first.

**Ms. Bryden:** Are you investigating both possible gases and toxic metals in the sites?

**Mr. Wood:** Yes. The terms of reference for the field investigations will cover leachate migration away from the site and the possibility of contamination of ground water or surface water supplies, as well as the production of gas, both on the site and in

any structures on or adjacent to the site. So both of those will be covered.

**Ms. Bryden:** Mr. Minister, it seems to me we are moving rather slowly in this matter of discovering whether there are any Love Canals in Ontario. We may be slumbering while dangerous conditions are surfacing, or could surface. At the moment, we do not have a perpetual care system in effect to look after these abandoned sites, nor do we have a system of charges on waste disposers which would pay for any remedial work that may have to be done as a result of the findings of this testing.

10 p.m.

Is it not high time we got moving with this perpetual care system, got the legislation in and got the fund going so that these sites can be looked after? Can we not get some sort of reports on what was found and what sites are being dealt with? I think we would like to see where the ones that are going to be investigated further are, how widespread they are, and what sort of licences they did have.

**Hon. Mr. Parrott:** To take the last question first: many of them did not have any licence.

**Ms. Bryden:** That is something we would like to know. In other words, we would like a list of where they are and what was found in this preliminary study.

**Hon. Mr. Parrott:** Let me tell you our overall game plan, if you will, for these sites. We think, and I do not think anybody will argue, that we know where the vast variety of these old sites are. Through the activity last year, we have obviously found more, a fair number more. I am sure there are some that we still do not have; but I would believe, and reasonably so, that having gone through that intensive investigation they are not likely to be serious. They might even be large, but they are not serious.

Just last week, in my own riding, we found another site about which we did not know. Nobody knew about it. How did we find it? We were trying to dig a basement. An unbelievable amount of cinders—obviously it was an old landfill site of the day—mostly cinders and that kind of domestic stuff was found on this site. We now know where one more site was. It was in the town of Tillsonburg; but it is not likely to be of any significance.

What we want to do is this: now that we have a pretty full understanding—I do not say complete, but a very full understanding—of where the sites have been in Ontario, we are doing that cursory test; that is the first

logical thing to do in order to have an understanding of whether there is a reason to investigate that site further. The history of a site will tell you a great deal about it. If, from those cursory examinations, we think it should be examined further than that is something we will do in depth. We will have to place priorities for those investigations, and we will, I can assure you, start with what we believe to be the worst sites. We are not finding anything drastic in those analyses.

**Ms. Bryden:** You have not made them yet, in most cases.

**Hon. Mr. Parrott:** No, but we have tested hundreds and hundreds of sites. If you are saying that the new ones—

**Ms. Bryden:** I thought phase two was just starting.

**Hon. Mr. Parrott:** Yes, but I am saying that over the period of time we have done thousands of tests on landfill sites.

As to phase two, that is true; we have not done a thing. If, in phase two, we find that we have to do more, we will go to the wall on it. We want to know what is in those sites to the nth degree. When it comes to paying for them, if there is no logical person to pay, I suspect, and we both know, it will be the taxpayers of this province who will pay. But, on the other hand, it would be unusual for there to be much more to do than to record those sites. We will do the cursory monitoring and in the vast majority of cases we will likely leave it right there, because that is all they will deserve. But we are not about to allow a landfill site that will cause potential trouble to go uninvestigated. If we find trouble, then we are going to correct it.

Obviously, our intent is to find, where it is humanly possible, the owners of that site as well, particularly if they are the operators. I mean, today's owner may not be yesterday's operator. We would, of course, expect that they would be responsible for any costs and for appropriately redressing the ills of that site.

I think the last thing we are trying to do, which is extremely important, is, as you know, to have specifications—are they regulations or specifications?

**Mr. Pitura:** Guidelines.

**Hon. Mr. Parrott:** Yes, we have guidelines for the closing of a site. We are doing some of that around the province, and as we get more knowledge of sites and pursue this we will be more stringent in the appropriate closing of a site. I think it is fair to say we have come a long way in treating these sites. Once upon a time, of course, they were

just spotted, burned and all those things; that has almost ceased. Thus the upgrading of our method of dealing with those sites has been dramatic, even in 10 years. I do not know what more we can say to you tonight about what we will do.

You also addressed perpetual care. I think maybe the deputy minister would like to say a few words about perpetual care and how that program is coming along.

**Mr. Scott:** Yes. You will recall that the task force was set up early in 1979 and, as I recall, we reported roughly at the time of our last estimates six or seven months ago. The interim report concluded that measures were required in three sectors: funding during operation and closure, and subsequent monitoring and maintenance of the site; environmental liability insurance to provide off-site protection for the third parties during the life of the site; and the perpetual care fund built up through a charge on the quantity of waste disposed to provide for long-term maintenance protection and other contingencies.

As a result of that, we then put the report out for comments from organizations, and we wanted their reactions. We have also been working on the question of the availability and cost of appropriate environmental liability insurance. Most of that stuff is in now, so we are really in the process of assessing it to make final recommendations. That is an update on where we are at the moment on the question of perpetual care.

**Ms. Bryden:** It is almost a year since the report came out, and we do need action in this field. I do not want to take up all the time, because I am sure the Liberals probably have some questions as well.

The latest report of the waste management board expresses considerable unhappiness with the slowness of action on the development of a metric size standard refillable container for fluid milk. It was pointed out that a recent Gallup poll said 78.8 per cent of the people wanted a choice between refillable and throwaway containers when we do switch over to the metric system completely. The conclusion of the board was that the marketplace is not providing us choice at present. I understand that in some areas there is choice, and in other areas of the province there is no choice at all. What is the minister doing to see that this choice is available throughout the province?

**Hon. Mr. Parrott:** I do not know whether Mr. Pitura wants to comment on that first.

**Mr. Pitura:** I have only one point, and that is that we are aware of the board's recommendations, and some of our staff are looking at the comments made by the board. On the basis of those comments plus their own investigation, we will be making reports to the minister giving our suggestions as to what should be done. That will be some time within the next couple of months.

**Ms. Bryden:** What is the reason for the slowness in developing the new metric size containers? If they are disposable, they are certainly adding to our landfill problems.

**Mr. Pitura:** It is one of many items with which we are dealing in waste management. You heard comments on landfilling guidelines and source separation. We are looking at it in a new format. We are looking at various projects which we are finalizing and making reports on now. The fluid milk container packaging problem is just one of many issues that we are addressing in the branch. We hope to have something positive on this within the next two months.

**Ms. Bryden:** I hope to see some action there. Another area about which the board is very concerned dates back to December, 1977. The waste management board concluded, "Action on wine and spirits containers should not be delayed," and that "a recovery system should be established for Ontario to enable the glass to be recycled." That is a quotation from their most recent report. The final sentence in their comment on this subject is "The board favours the use of point of sale as point of return for empty containers."

Why are we not making any progress on this, Mr. Minister, when it is a case of recovery of a resource? It would mean cheaper glass if it could be recycled, and it would mean a lot less glass going into landfill.

10:10 p.m.

**Hon. Mr. Parrott:** I am sure you will see a good deal of action on resource recovery of glass and newspaper in this calendar year.

**Ms. Bryden:** Is the Minister of Consumer and Commercial Relations (Mr. Drea) still opposed to using the LCBO outlets as return depots for liquor and wine bottles?

**Hon. Mr. Parrott:** As a minister, I have not gone to cabinet with that proposal yet. I would think that is a decision cabinet will make; therefore, we will worry about who opposes it and who does not oppose it after



the decision is made. There is a lot to be concerned about in the recycling of glass. Certainly, there is a lot of merit in the proposal that there be a deposit on liquor and spirit bottles and that they be returned; but it ignores the fact that there is a lot of other glass out there which would be equally useful, and the question of whether we could gather it at the same time.

I wish more municipalities, particularly in this Golden Horseshoe area, would get serious about the collection of glass and paper and make it part of their solid waste program in each municipality. I think the opportunity exists now. We are not quite ready to say that paper has a ready market today, but by the time they were geared up the market would be there. I think it is fair to say there is a market today for paper in vast quantities at the Ontario Paper Company Limited, but with the proviso that we know it will take some time before the bylaw is passed and they are actually getting large numbers of citizens to separate the waste.

Those two markets are pretty secure. It seems to me if we did it in the huge areas of Toronto, Hamilton and the urban areas we would take in a great deal of the market. One of the problems, of course, is that if you go with the deposit system then it has to be province-wide; second, it has to be individually province-wide, because we could not very well be paying the refunds on glass from other provinces. That is certainly a real problem.

Take the Montreal market, so close to Ontario. If there were not a positive identification on every bottle sold in Ontario we would be getting an awful lot of glass from other provinces in which there was no deposit; it would be coming back that way. That presents a real problem. Whereas, if there was glass recycling and we gathered all glass, using source separation, we would have the advantage of not worrying about those two or three problems I identified.

**Mr. Mackenzie:** Mr. Minister, may I ask a supplementary on this? You started out by telling us that we were going to see a considerable amount of action in the next year on this question of glass or bottle return recycling; then you proceeded to tell us there has been no decision made on whether you are going to use the charge, or deal, and that there is no resolving the opposition of at least one of your colleagues to using some of the main outlets, certainly in the liquor field, as a source of return. If you have not taken any action on resolving either of these, how

can you tell us we are going to have action this coming year?

**Hon. Mr. Parrott:** It is simply because we have said in the throne speech this year that we are going to do it. We have all the studies in.

**Ms. Bryden:** We do not believe everything we read in the throne speech. We have not seen any action on this at all.

**Hon. Mr. Parrott:** That is sometimes even understandable. I think it is decision time for glass and paper, and this year, I can assure you, we will be going forward with considerable action. My preference—I guess maybe that is the better way of saying it—would be that the municipalities would grab that ball and run with it. There are a lot of advantages if they do that.

**Ms. Bryden:** If you give them a little help, they might.

**Hon. Mr. Parrott:** I think we gave them a lot of help on paper by encouraging Ontario Paper as much as we did. There were two keys to that decision on Ontario Paper: one was the money we put there, and the second was that we would be very supportive of getting used newsprint out of the solid waste stream and into recycling. Ontario Paper knows we have a very strong commitment to do that in this province. It was on that basis they spent, or are in the process of spending, over \$100 million, because without recycled newsprint they cannot survive. That is what that whole thing hinges on.

**Mr. Mackenzie:** You will pardon the scepticism when you tell us that we are going to see the action, and then tell us that none of the things which lead to it are under way at this time. You are putting yourself in one hell of a bind.

**Hon. Mr. Parrott:** I am not worried about that. I am saying that this year we will have some very significant projects on glass and paper recycling. I know I am putting myself in a bind, but I know it is only a matter of time until we have the budget. I think we have the necessary background work done. I do not mind putting myself into that kind of a bind, because I am sure we can deliver. It is somewhat like Redhill Creek. We get things done by getting into a bind and solving it. I think that was a good illustration of an exchange here which brought forward some discussion, and in which commitments were made and delivered.

**Mr. Mackenzie:** The commitment is not made there until you stop the stupidity of

allowing anything to go down Redhill Creek.

**Hon. Mr. Parrott:** Oh, no. There is a difference there. You asked, I think legitimately, for a hearing, and you got it.

**Ms. Bryden:** We are dealing with solid waste at the moment. I have lots of other questions, but I will let some of the other members have an opportunity.

**Mr. McGuigan:** Could I ask a supplementary? It has been 30 years since I handled insecticides in containers, but some very potent materials used to be shipped in glass. I worry about those used containers which might still contain a drop or two of very potent materials. Do we still allow those materials to be contained in glass? Some of those phosphate materials used to be shipped in glass.

**Mr. Wilson:** I am Doug Wilson, supervisor of the pesticide control section. The pesticide industry does not like to use glass. It breaks, and if it is a toxicant they do not want breakage. The only reason for using glass is that it is the only acceptable container for a particular product which perhaps is corrosive to plastic or metal. Glass is the least preferable container for chemicals such as pesticides.

**Mr. McGuigan:** But it is still being used?

**Mr. Wilson:** Yes, in a few products.

**Mr. McGuigan:** I always used to worry about this, and made a point of smashing the glass the minute it was empty. If somebody wanted a jug in which to carry some water to the workers in the field, they would think it was a nice, clear gallon jug; the label might be washed off, and they would use it. Some of those phosphate materials are terrible.

**Mr. Wilson:** I am sure most of those containers have a statement on them as to what should be done with the container to make it nonreusable.

**Mr. McGuigan:** We have all kinds of people working on farms who do not read English. That is just a concern I have about glass. I would like to see it all recycled.

**Mr. Gaunt:** Mr. Chairman, I just wanted to make a few comments and ask a few questions with respect to Downsview. This is a transfer and processing station. It is a resource recovery research project being run by Browning-Ferris Industries. I think that is correct. As I understand it, there is the capacity at the plant for about 900 tons per lay in terms of transfer. In terms of pro-

cessing, it is about 230 tons per day. Is that correct?

I understand and I have been doing some figuring, that the cost of operation per ton is \$18. That seems to me to be quite high. There must be some inefficiencies there somewhere. I would like to know where the problems are and why the operating cost is so high.

**Hon. Mr. Parrott:** It is \$18 a ton for processing?

**Mr. Gaunt:** Yes, for processing.

**Hon. Mr. Parrott:** Do you find that high?

**Mr. Gaunt:** I thought it was high.

**Hon. Mr. Parrott:** Perhaps Mr. Williamson would like to say something. I can tell by the smile on his face that Mr. Williamson would love to answer, or at least to respond or talk about it.

10:20 p.m.

**Mr. Gaunt:** I thought the figure for this kind of plant—and it is tough to equate one plant with another in terms of operating costs, because there are always differences—but I understood that \$13 to \$14 was an optimum figure.

**Hon. Mr. Parrott:** We have to have a little fun tonight. It is high by comparison to that plant in Chicago. They have their operation costs down to zero.

**Mr. Gaunt:** But they are not running it.

**Hon. Mr. Parrott:** That is right.

**Mr. Gaunt:** Yes, it is possible to drop it.

**Mr. Williamson:** The cheapest cost of operation of which we are aware in North America is approximately \$30 per ton.

**Mr. Gaunt:** Really? For this type of operation, for processing?

**Mr. Williamson:** There are very few plants of this type operating. In fact, there is only one operating on a commercial scale, apart from our own, and that is the one in Ames, Iowa. I believe the total operating cost in that plant is around \$30 per ton. From that, you would deduct whatever income you get from tipping fees or from the sale of recovered material for energy. But the actual net operating cost, plus capital amortization, is normally in the area of \$30 per ton.

**Ms. Bryden:** What about the Rochester one? Is it not a recycling plant, the one that has just opened in Rochester for the whole county around Rochester?

**Mr. Williamson:** I think that is a suspension burning incinerator.

Ms. Bryden: Oh, no. It is far more than that; it is the largest recycling plant on the North American continent. It includes all sorts of resource recovery processes.

Mr. Williamson: I just cannot recall that one.

Ms. Bryden: It is in the municipality around Rochester, in the county. I am just trying to remember the name.

Hon. Mr. Parrott: Have you seen it, Mr. Williamson?

Mr. Williamson: No. I do not think any of our staff visited that particular plant, but we have seen most of the others.

Hon. Mr. Parrott: That is surprising. Perhaps you had better check it out.

Mr. Williamson: Yes.

Mr. Gaunt: In reality, you are not worried. As a matter of fact, on the basis of your comparison, it looks pretty good. Are you satisfied that \$18 a ton is pretty good?

Mr. Williamson: For a processing plant? Yes, sir.

Mr. Gaunt: What is your operating cost for transfer on a per-ton basis?

Mr. Williamson: The actual cost of the transfer operation itself, of moving the waste from one truck into another with the conveyor belts and compressors, is just over \$1 per ton. The larger part of the cost, of course, is in the amortization of the cost of the transfer vehicles themselves, and in the cost of hauling the material to the landfill site. That total, I believe, is around \$8 or \$9 per ton.

Mr. Gaunt: When is it amortized? When the plant in total, with the trucks and so on, is amortized into the cost?

Mr. Williamson: Yes. We are hauling 30 miles to the nearest landfill site.

Mr. Gaunt: You have been in operation for two years, roughly?

Mr. Williamson: Two years in our partial operation.

Mr. Gaunt: Based on the performance of the plant, and given the fact that you do not operate, and never have operated, at capacity, are you satisfied with the performance of the plant so far?

Mr. Williamson: You say we do not operate at capacity; we have operated at close to capacity in the transfer station, and are operating at design capacity, or close to it, in the processing plant at this time.

Mr. Gaunt: How many tons per day can you handle at the transfer station?

Mr. Williamson: We have handled 900 tons, but, of course, we can handle only as much as comes in. We get much less than that on the average, and very much less than that during the winter period.

Mr. Gaunt: But on the processing, you are running between 70 and 75 per cent, and your target is 80 per cent?

Mr. Williamson: That is correct.

Mr. Gaunt: Thus, in terms of the overall picture, you do not feel the money has been wasted so far? I guess that is about as plain as I could be.

Mr. Williamson: No. I think one of the comments we frequently get from the technical visitors from the United States is on how cheap the plant was in capital cost.

Mr. Gaunt: I want also to mention some information and to pass it along to the minister. I happened to have the chance of visiting the Refcom plant—that is the refuse conversion to methane plant—in Pompano Beach, Florida. I did not go to Florida for a holiday; I want you to know I flew in on a Thursday night and left on Friday at noon.

Mr. Wildman: You did not get a tan.

Mr. Gaunt: No, I did not because I stayed such a sort time.

Hon. Mr. Parrott: Two miles from there is the best training track in the world.

Mr. Gaunt: Oh, really?

Hon. Mr. Parrott: You would not believe it.

Mr. Gaunt: I see. Well, I was quite impressed. I was not interested in the horse-racing aspect. I was interested in this plant. It is a very good, operational, functional plant. Have you seen it?

Hon. Mr. Parrott: No. I should have seen it.

Mr. Gaunt: I would recommend that you see it. I was very much impressed with it. They can make methane gas in five days; from the time the garbage, the waste, comes in, until it comes out the other end in a gasification process, it is five days. I think the plant cost \$2.8 million.

Mr. McGuigan: Horses can do it in two days.

Mr. Gaunt: Yes, horses can do it in two. But there are some problems with the horse method which this plant has overcome.

Hon. Mr. Parrott: We are using methane, you know, Mr. Gaunt. We are using methane here in our plants.

Mr. Gaunt: Yes. But your plants are not using the same process.



**Hon. Mr. Parrott:** But we do use methane; so we are not unsupportive of the concept.

**Mr. Gaunt:** Right. They can handle up to about 100 tons of refuse and sludge daily, and it produces, or could produce, enough gas to meet the needs of 1,000 homes. They could heat 1,000 homes if they had to, or they could do a number of other things.

**Hon. Mr. Parrott:** I am not being facetious, although it almost sounds like it. As you know, the amount of heat in Florida is rather—

**Mr. Gaunt:** I was just coming to that. Let me put it on this basis: It produces enough BTUs to heat 1,000 homes. Each ton of shredded trash is estimated to yield about 3,000 cubic feet of methane and 3,000 cubic feet of carbon dioxide. It begins by going through the shredder, where all this residential waste is shredded into three-inch to six-inch pieces. Then it goes into a digestive process, and ultimately it becomes gasified. The ferrous metals are removed in the stream and are conveyed to a storage building from which they are recycled.

In short, I was quite impressed with it. I spent about three hours at the plant, and I would recommend that the minister and some of the officials of the ministry have a look at that, because I think it is worth looking at. They have developed some very unique technologies, in the operation of that plant. I would recommend it.

**Hon. Mr. Parrott:** Who runs it?

**Mr. Gaunt:** Waste Management Inc.

**Hon. Mr. Parrott:** Yes, I thought so, because I had quite a tour in February 1979. I was at both BF1 and Waste Management for a considerable time at head office, and I knew one or the other had done that. They gave me a briefing on it and showed me the demonstration model, and therefore I did not go to the plant, but I was well briefed on how it worked.

**Mr. Drowley** has seen it. My predecessor, George McCague, was there at the official opening. So we have seen it. I have seen the demonstration model of it. I am not unfamiliar with it. We think there is merit.

I think the biggest problem here in Ontario is to get the local municipalities to become dead serious about the alternatives to landfilling. If I remember correctly, during our estimates last year somebody gave me the devil for not speaking more forcefully about the values of alternatives and the wrongs of landfilling. I think I have made as many speeches as anyone, saying in very blunt terms that landfilling is dumb.

I have said that dozens of times throughout this province.

10:30 p.m.

**Ms. Bryden:** There are more recycling plants being planned in Ontario, like the one here and the one that is operating in Hamilton?

**Hon. Mr. Parrott:** Sad to say, no. I think we are starting to see alternatives to landfilling, but not necessarily recycling plants. I think we see lots of things brewing out there for energy recovery from our solid waste.

**Ms. Bryden:** That could be part of it.

**Hon. Mr. Parrott:** Yes, and I see communities getting geared up to it. Yet they just do not seem to want to spend that extra dollar; that is the block.

**Ms. Bryden:** Maybe the minister ought to give the leadership.

**Hon. Mr. Parrott:** But we have a lot of money out there, offered to them.

**Ms. Bryden:** But it is apparently not producing results.

**Hon. Mr. Parrott:** It is the waste of the people—you have heard us talk about this before—and we would like to have that stay with the people so that they get genuinely concerned and take it upon themselves.

We have to have some seed money, and we have to do a lot of speaking about it and leading. In the final analysis, however, I would like to think that the people should look after the solid waste which they have created. It would be best if they did, and understood the cost. I do not mind subsidies on the capital, but it is the real costs I wish they could come to grips with. I think they will do that only if they pay, dollar for dollar, what it costs.

**Ms. Bryden:** But they could save money if they recycled. You have to let them develop markets.

**Hon. Mr. Parrott:** I know they could. We have the markets. I honestly think we have shown that kind of leadership. We have the paper market and we have the glass market.

I met this morning with a gentleman, and we were talking about this whole process of recycling. If it is leadership you are asking for, I think we have done a lot on that very thing. If you are asking, "Do you have it done?" then, no, we have not. If that is the test of leadership, then I fail.

**Ms. Bryden:** The test is looking at why it is not happening and seeing how to make it happen.

**Hon. Mr. Parrott:** What it requires is an awful lot of people to apply peer pressure. In your riding, you could do a lot. That is when it will hit the fan, if all of us do so.

In my own riding I have a crisis on garbage; I am going to be very insistent in my own riding, and they know it, that there has to be some alternative to landfilling. I will take the responsibility in my riding.

**Ms. Bryden:** Of course, we may need regional plants, which are too big for one municipality to handle.

**Hon. Mr. Parrott:** We have a variety of ways we can handle the alternatives for landfilling. I am not too sure there is one right alternative to landfilling. I think that will vary a great deal. I honestly believe, as representatives of counties and certainly of ridings, that we could do a great deal in persuading our local councils; many of us are very dedicated to the concept of recycling, and I think we should do a great deal.

**Mr. McGuigan:** Can we really aim at municipal people when practically all of them run on a platform of good management, keeping the taxes down and so on? You might have one man running on the platform of using the landfill, which is the cheaper method, and another man running on the platform of putting up an expensive plant. You know which one is going to win.

**Hon. Mr. Parrott:** Sure, but it is their garbage. They have to choose whether they want the pollution or whatever comes with landfilling, or whether they want to spend the extra dollar. I do not think any of us argue that there is a cheaper way of getting rid of our solid waste than by landfilling. That is the cheapest in the short term.

**Mr. McGuigan:** If the concept were stated in terms of any city, let us say city X, if they were faced with landfilling within the city, then they would take a different view of this thing. But when landfilling is a good distance away and is cheaper, can you blame the municipal people for taking it?

**Hon. Mr. Parrott:** Yes, I can. They have to think in terms of their county. For instance, I think Chatham-Kent should look at it as a unit in terms of what they are going to do with their solid waste. There is a tradeoff between the city and the urban areas.

**Mr. McGuigan:** I suggested to Chatham that they put the dump right in the town park. I was being facetious.

**Hon. Mr. Parrott:** That is not the way we are going to go. It is going to take an awful lot of lobbying, and dedicated individual leadership in our communities from those of us who care and believe that landfill is not the way to go, to guide those municipalities to spend the extra dollars. We will assist. I hope none of you thinks the way to assist is with a subsidy on the operating costs.

The truth of the matter is, using my own county as an illustration, the real block there is that they know the operating cost in the long term will be the major cost. That is what is making them say, "Whoa." We have to come to grips with that. It is an educational program for which I have a lot of responsibility, yes; but I cannot do it alone. I have been trying for seven or eight months.

**Mr. Gaunt:** May I just say one thing? I had a good discussion with the manager of that plant in Florida. He has a number of ideas on how that plant can be improved. I think it would be very useful to sit down with him, even over the telephone, to talk about some of the things that could be done.

**Hon. Mr. Parrott:** I agree. We are not knocking that concept.

The deputy minister wants one thing very clearly on the record, too.

**Mr. Scott:** Mr. Chairman, we were overwhelmed yesterday by the popularity of our compost, and at the end of the day I tried to make a quick announcement that I thought I should provide some more information. We have done an analysis of that compost material, as I mentioned last week, and would be happy to give you the analysis. There can be variations from bag to bag, but that should not be of any concern.

**Mr. Gaunt:** I would like the analysis, Mr. Deputy Minister, because my flowers in Wingham have already started to grow, and I do not have the stuff up there yet.

**Mr. Scott:** We have heard it is great stuff. I would be happy to give you the analysis. I should point out that this material exceeds our sewage guidelines for use in agricultural land in three areas. That is why we say, "Keep it on plants, flowers, lawns and so on." But I am advised that before you need have any concerns about using it on the lawn, you have to put more than six tons on a 50-by-100-foot lawn. We did not feel anyone was going to take that much material, and we will check on it if they do. I might add, this material is not for sale. It is out there, for

use on plants and roses, et cetera, and you are more than welcome to help yourself to it.

**Ms. Bryden:** What if we drive up to the plant?

**Mr. Scott:** A lot of people drive up to the plant. The main warning we give is; do not use it for agricultural crops. At the moment there are some products on the market that do not match our high quality in this area, and at least this stuff is free.

**Mr. Wildman:** Do we use old Hansards to contribute to your compost?

**Hon. Mr. Parrott:** I do not think we want to make the stuff any more powerful than it already is.

Vote 2104 agreed to.

**Mr. Chairman:** We will finish vote 2102 and then go on to the other.

The committee adjourned at 10:38 p.m.



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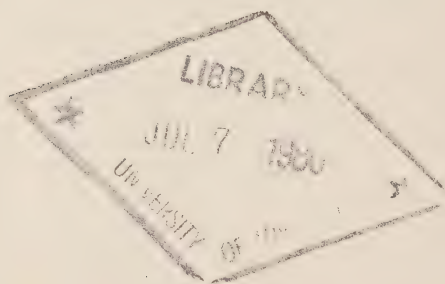
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# Legislature of Ontario Debates

## Official Report (Hansard)

**Standing Committee on Resources Development**  
Estimates, Ministry of the Environment



**Fourth Session, 31st Parliament**

Tuesday, June 10, 1980

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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# LEGISLATURE OF ONTARIO

## STANDING COMMITTEE ON RESOURCES DEVELOPMENT

TUESDAY, JUNE 10, 1980

The committee met at 8:04 p.m. in committee room No. 1.

### ESTIMATES, MINISTRY OF THE ENVIRONMENT

(continued)

On vote 2102, environmental assessment and planning program:

**Mr. Gaunt:** Mr. Chairman, I just want to say first off that we are delighted to be able to welcome back the minister (Mr. Parrott) after his address to that rowdy, rough, inconsiderate group on the weekend. We see the minister is back in one piece. We are glad to have him back with his friends in the warmth, safety and comfort of this committee. Against that background perhaps I will make a few comments.

I wanted to start off on this vote, Mr. Chairman, if I can. Just before I do, I noticed something in the minister's remarks to the Action Seminar on Acidic Precipitation at the Toronto-Downtown Holiday Inn on November 3, 1979. I picked this up when I was reading all the minister's speeches last night. I read his speeches whenever I have a moment.

**Mr. J. A. Taylor:** You are becoming very learned by doing that.

**Mr. Gaunt:** It is on page 11. The minister said at that seminar, "We in Ontario have been committing substantial resources to the acid rain situation for more than 15 years." I was blaming the editor of *Legacy* for misquoting the minister and there it is in black and white.

**Mr. J. A. Taylor:** Where were you when he needed you?

**Mr. Gaunt:** We have gone over this before, but I say to the minister with respect, that is not accurate. I would suggest to your speechwriter that perhaps such comments not appear in other speeches dealing with acid rain.

In any event, I want to talk about acid rain for a few moments. We have been over this quite a number of times and I do not want to spend a lot of time on it.

First of all, I want to know how we are coming along with the acid rain film the ministry has undertaken. Do we have any progress to report on that? I gather the ministry called for bidders, to see who could do the best job. The last I heard, the ministry was reviewing these bids, judging them against the \$85,000 or so committed for this purpose. I wonder if anything has happened since that time.

**Hon. Mr. Parrott:** Mr. Drowley, would you like to answer that?

**Mr. Haggerty:** Film clips of acid rain are shown now with the weather forecast.

**Mr. Drowley:** If I recall, Mr. Gaunt, six people put in submissions. There is quite a range in price and quite a range in content, and quite honestly we are still evaluating them. I would think that by the end of this month we will most likely have made a decision as to which way we will go.

**Ms. Bryden:** Could I ask a supplementary on that? I understand one of the persons submitting a proposal had a commitment from Famous Players Limited to provide the funds for doing it in 35mm, which would certainly be desirable to get the movie into the movie houses. On top of the ministry's \$85,000, it sounds like a good proposition for the ministry. Has the possibility of producing it in 35mm been looked at so that it could be available in the bigger movie houses?

**Mr. Scott:** Yes, we most certainly are looking at that. There is some difference of opinion because Famous Players has indicated it would support that, and has also indicated to us in correspondence that it would support any good film on the same subject. One of the main thrusts we are looking for with this film is a very wide distribution, so from that point of view that is very much a consideration.

It is our understanding now from Famous Players that they are prepared to look at more than this one particular person. They were approached by that person because of his success with an earlier film and that perhaps was what increased their interest,

but since that time they have indicated to us that they would be interested in any quality film on the subject.

**Ms. Bryden:** But you would only be turning it into 35mm after it is produced. I understand they were prepared to advance the money to Mr. Irwin Karnick, who is the person I heard had the proposition from them, to enable him to produce the film in 35mm, which would make a better film I would think.

**Mr. Scott:** It is certainly my understanding that there is no substantial difference between the offer they made in general and the offer they made to him, although I admit, having gone through the correspondence, there is some confusion on the subject. We have been unable to get Famous Players Limited at this point, to clarify it absolutely for us.

8:10 p.m.

**Ms. Bryden:** Do you not think it would be better if the film were produced in 35mm?

**Mr. Scott:** I think it would be of substantial value to us to have a film in 35mm. I am not prepared to say we would make our decision with regard to the various applications we have before us simply on that basis. They come from a broad-based, very capable group of film makers. That is one of the reasons it is taking us so long. We want to assure ourselves that we have made a thorough assessment of what appear to be some very good tenders for the contract.

**Ms. Bryden:** It certainly is a subject on which we need a film for public education. I have seen Mr. Karnick's work and what I have seen is very good, so I hope you will consider his offer as well as the others.

**Mr. Scott:** We certainly will. We have no quarrel with the quality of his work. It would be quite easy if he were the only one in the competition, but we do have some other people with work of excellent quality as well. That is what is taking so much time.

Mr. Karnick starts off with certain advantages in that he has done some work in this field before, and that of course has to be given very special weight. That may seem like an enormous advantage but among the others there are also some excellent film makers with very good proposals. That is what we are struggling with at the moment.

It would be so much easier if we had one good one and the rest were second rate, but unfortunately—I should not say “unfortunately” because I think it is fortunate that we have some hot competition for this. That is a delight from our point of view because it is positive in terms of getting the biggest bang

for our bucks. It is also very important in getting a good quality film that we can sell on a broad base.

As we mentioned in the last estimates, we believe it is very important that this film be of such a quality that it can be sold well beyond our borders, with a particular view to the south where we think there has to be a higher public appreciation of the problem of acid rain. It is very important that a good quality film be produced so that American television networks, the Public Broadcasting System or what have you, will take this kind of film seriously, so that we get the broad-base coverage we think is so important in creating the atmosphere necessary to sell our case on acid rain.

**Ms. Bryden:** Time is of the essence.

**Mr. Scott:** Very much so.

**Mr. Gaunt:** As I understand it, Mr. Karnick went to Famous Players and got a commitment from them that they would put up \$50,000 towards the cost of a film on acid rain, assuming that it met the quality standards. Based on their other experience with Mr. Karnick, they apparently were satisfied on that point. Then I gather that the ministry, after it decided to open up the matter and ask for submissions, contacted Famous Players and asked if it was prepared to make that offer available to any film maker, any one that should be chosen. I found that a little unusual. Is that the way it happened?

**Mr. Scott:** Mr. Drowley will correct me if I am wrong, but I am sure that is the way it happened. I believe Mr. Karnick went to them in the first instance. Quite frankly, we felt we had good quality submissions and we did not want to feel trapped into accepting any one application, so we asked Famous Players to clarify their position.

Their basic position was that since Mr. Karnick had done good work in the past he would likely provide a quality film. As I understand it, that is the basis on which they gave him that understanding. They also made it clear to us that as long as they had a good quality film they were interested in the subject matter and felt they could sell it. On that basis, they were not just making a specific offer to a specific person. We thought that was very important.

I think if they had taken the other position, that the only person they had faith in was Mr. Karnick, then that obviously would have had an impact on our decision. As I mentioned earlier, we do want to make sure

that we get the broadest base possible for distribution of this film so that we get a maximum audience. I want to emphasize we believe it is more important to reach that audience south of the border than it is here.

**Mr. Gaunt:** I think that \$50,000 figure is really very important in the final analysis because the ministry is going to get a \$135,000 film for \$85,000, presuming that the maximum limits are used both in terms of Famous Players and in terms of the ministry. I gather that's the maximum figure you are prepared to spend on this particular film.

**Mr. Scott:** It's a guideline. The only thing I can say about that at the moment is that we are determined to get the best possible film produced. That's our bottom line, the best possible film, because the best possible film will sell itself. We know right now that regardless of who we choose, we are always going to have to answer the question that someone else may have been able to do a better job. You want to believe that we feel the pressure and we feel the heat.

That's fair enough, but it's damned important to us and important to us in support of the kind of objectives we are trying to reach that we get the best possible film we can and that's what is taking the time. We really believe we have a hot competition. We have some great film makers with some good proposals. We wouldn't have any hesitation if you would like to see some of the other proposals.

I know you have seen Mr. Karnick's proposals, and I am sure we would be only too happy to supply the others to you because we are confident we have a hot competition here. Our committee is having a tough time dealing with it and as much as I want that film, I'm not prepared to put the gun to its head and say, "Just buy anything." Instead I say, "Take your time, go through them, satisfy yourselves, because nothing but the best is what we want for that money."

**Mr. Gaunt:** I just underline again and I have done this before, that I think it's very important that we have some form of public education on a continuous basis. I see that film could really fill that role in terms of providing basic fundamental information on acid rain, its causes, how it can be alleviated and so on. I think it's very important to the public, not only in the school-age range, but for general viewing as well.

**Mr. Scott:** I couldn't agree with you more. I am sorry that Mr. Frewin isn't here, but in every kind of production you need

your Cadillac; you need your big sell. This is a big sell, but we have also just completed doing a videotape piece on acid rain that we have refined pretty well, which I think will shortly be available. We would be delighted to get copies of that to you because I am sure you may wish to make use of it in your own riding and so on and around the province. In fact, we want to make it as widely available as possible. It's not going to be as professional or as broadly based but it's a good introduction. It's a low cost presentation that we think gets the basic message across. It's not in the same class but it's very important and will be a great educational aid.

**Mr. Gaunt:** Will it show the minister's picture? Do you think we might be able to arrange an interview on Canada AM?

**Mr. Scott:** I think his name appears at the end of the film along with the logo, but mine does too so I can hardly be critical.

**Mr. Gaunt:** I think it is very important that we do this and I hope the ministry will get on with it as quickly as it can. We have gone over this before but the acid rain thing is I think, in terms of the expert perception, the most important environmental problem with which we are faced. The potential impact on Ontario's tourism is something in the neighbourhood of \$5 billion and 470,000 jobs, the second largest industry in the province. If this whole acid rain problem continues and develops even further, then that industry, the Ontario tourist industry, is going to be in some difficulty, so I think the economic impacts of this whole thing are certainly considerable.

We have been over this business of Inco and acid rain many times before and perhaps we should let it go at that, but I would just like to give it one more try, if I may, Mr. Chairman. I won't take a lot of time but I want to see if we can't convince the minister that perhaps it would be in our best interest, in his best interest, to move even further than he has moved in the present control order.

8:20 p.m.

I think there has been evidence before the committee that in Canada we net five million tons of sulphur dioxide and two million tons of nitrogen oxide each year. Most of that comes from Ontario and Inco happens to be the largest North American point source of SO<sub>2</sub>. In the United States, 28 million tons of sulphur dioxide are produced each year and 24 million tons of nitrogen oxide. The United States obviously



is going to be moving into a conversion program. They have already started. The Environmental Protection Agency is almost automatically approving the applications for conversions. I think they have approved something in the neighbourhood of 47 out of 62 applications so far and most of the new generating plants, 350 between now and 1995, will be coal-fired generating plants and will eventually be producing acid rain which will blow into Ontario.

The minister points out that is why it is so important that we have an international agreement. Obviously that's the case but I think we can do a lot here in our own backyard. The minister mentioned there were a number of practical control techniques that could be employed. I think he mentioned back in October 1979 that one way to lessen the danger is to burn low sulphur coal. That's not always possible. Other ways are coal gasification, coal scrubbing, acid plans and removing the  $\text{SO}_2$  and converting it to sulphuric acid for various uses.

I want to deal with that just for a moment because I think the federal study looked into that. The federal study, done some two years ago, had something to say about that. They tried to convince their own people at the federal level that this was a good way to go and couldn't do it. It showed at that time—this is the federal study—that Inco could cut its emissions by 50 per cent by using existing technology and by spending roughly \$400 million within a five-year period.

I think they were talking in terms of sulphur. It was a 1977 study. At that time, sulphur was selling for a very low price, something in the neighbourhood of \$5 a ton. That certainly wasn't very attractive to Inco or anyone else who might have been in the market to produce sulphur but I think that situation has turned around dramatically. Alberta now is selling sulphur for some \$35 a ton and is producing less of it every year.

I think in the world spot market, sulphur has hit as high as \$105 per ton. Iran is cut off as a source. Southern US sulphur plants are hit with skyrocketing energy costs and in some cases are closing. The food-hungry nations of Asia, Africa and South America can't get enough sulphur phosphate fertilizers and they will be 25 per cent short within five years according to one of the reports that came out just recently.

I also stated at that time that this is the report that said Canada could sell another three million tons of sulphur abroad right now if we could alleviate the transportation

problem to some of these countries. Surely we can do that.

My point simply is that sulphur is now a very profitable commodity and can be even more profitable in the next few years, given the facts I have just stated. As far as I am concerned, I think Inco sees acid production only as an unprofitable investment. They see it in that light rather than a cost of pollution abatement. I think it is cheaper for Inco to do very little and deny responsibility for acid rain as long as possible, hoping the government will pick up the eventual cost. I do not think we should get trapped into that kind of situation.

As far as the Inco order is concerned, I do not think it is as good as it could be and I do not think it is as good as it should be. Inco can produce this sulphur, it can produce the sulphuric acid and it can sell it. The phosphate deposits up in Cargill township are sitting there. They are not too far from Sudbury. Those deposits need sulphuric acid as an important ingredient to make fertilizer. I think the production at Inco would be a logical, reasonable process whereby that by-product of the emission process could be used in a useful and profitable way, to produce not only elementary sulphur but sulphuric acid, which could be used in the fertilizer industry to good advantage.

As far as Hydro is concerned, it is the other big producer of sulphuric acid: Nanticoke 554 tons a day, Lambton 395 tons a day, Lakeview 265 tons a day, Lennox 64 tons a day, Hearn about 22 tons a day. All of this adds up to about 1,300 tons a day. That is significant and I think we have to do something about it. Hydro, obviously, is resisting; it does not want to do it. But I do not think we have any choice.

The minister has indicated this. He is preparing control orders. I guess the question has to be how long, O Lord, how long? We have had this problem for some considerable while; we have been talking about it for a number of months. I think the minister just has to move in on Hydro and tell them they have to clean up—there is no other choice—and if it is going to cost up in the millions, so be it.

The minister will have to say, "We have to clean up, and this is the order I am going to impose." I think the minister has to get tough. He has to take the bull by the horns, and simply tell Hydro the situation is not acceptable any longer, that the technology is there, the markets for elementary sulphur and sulphuric acid are there, so Hydro has to clean it up and clean it up quickly.

I want to mention again the matter of the computerized industrial water pollution monitoring system. Mr. Pitura indicated on June 5 that as far as he was concerned, things were moving along. I think he said the regional people were going to be called in this week to collect a number of pieces of information—the number of companies and the type of data that should be provided. After that, he indicated the ministry would then go back to the drawing board. That tells me not very much has been done on this problem since we last spoke about it last October.

I cannot underline strongly enough that this is a key component in the US-Canada agreement. If we falter on that system, I see no way in the world that the minister is going to meet the annex 12 requirements under the Great Lakes water quality agreement. I think that is vital.

8:30 p.m.

I would urge the minister to commit considerable resources, not only of money but of people, to getting that system off the ground. If he does not, he doesn't have a hope in the world of meeting the agreement. I want to see him meet the agreement, I know he wants to meet the agreement, but I think it is vitally important that he get that thing going and get it going very quickly.

**Hon. Mr. Parrott:** Mr. Pitura is not here. Are you finished on that one?

**Mr. Gaunt:** I just underline that there is no possible way you can meet your commitments unless you do get it going. We have lost, basically, six months or so from the last time we talked about it. I was hopeful then that something would happen and I gather in the interval nothing has happened. That concerns me. I know you have had a lot of other things on your plate; I understand that. But I think this is pretty important too and I would urge you to get on with it because if you do not, at the end of 1982 you are going to be going before the water quality board of the International Joint Commission saying, "I'm sorry, we can't meet our commitment under annex 12."

**Mr. J. A. Taylor:** That's expressing confidence in the future of this party and the minister.

**Mr. Gaunt:** I'm just saying, presuming we have an election and we have a poll of the people and the people happen to return the minister's party to power. That is all presumption on my part. I am prepared to go with it for argument's sake at this time.

In any event, another matter under annex 12 has to do with pesticides and their dis-

posal. I am wondering how the minister intends to deal with this aspect of annex 12. I noticed in the London Free Press of June 7—I do not read that paper as regularly as I used to—it quoted Mr. McTavish, your southwestern regional director, very widely. The article says:

"The spectre of the Love Canal has caused numerous waste-disposal-site operators in agricultural areas of Ontario to refuse to accept empty herbicide containers, provincial environment officials said Friday. The chemically contaminated Love Canal area of Niagara Falls, New York, was declared a disaster area in August 1978 because of health threats. Chromosome damage has been detected in some neighbours of the now-abandoned Love Canal area waste site."

It quotes Mr. McTavish as saying land site owners "are concerned they might get into hot water with the public. People get concerned that there is a toxic waste going into a site near them. Love Canal has raised their concern. A number of pesticides are toxic." Then Mr. McTavish goes on to say, "It isn't a good situation."

What plans does the minister have in that respect? What are you doing, first of all, with the pesticides and with the herbicides, particularly 2,4,5-T? How do you intend ultimately to destroy it? I know you are storing it now, but what are your plans in that respect? Do you intend to take it to Ajax, provided you get approval for that facility?

**Hon. Mr. Parrott:** Are you finished now?

**Mr. Gaunt:** No. Do you want me to complete?

**Hon. Mr. Parrott:** I've got three or four things down here now.

**Mr. Gaunt:** All right. Why don't I end up with the Environmental Assessment Act and some of the statements and undertakings that the minister has given? Do you want me to complete my presentation and then you can respond in total? I could do that, Mr. Chairman, if you wish.

I mentioned Ajax. I do not know whether the minister has it in his mind that these toxic wastes will go there, that is to say the pesticides and herbicides. I asked the other night and I did not get a response to that particular query so I really do not know if the ministry has that in mind.

The question that comes to mind with respect to the Ajax proposal—we discussed this the other night as well, and this will lead me into the business with the assessment act. I know we had some discussion in the House about why the minister was proceeding under the Environmental Protection

Act rather than the Environmental Assessment Act, why the ministry invested \$270,000 in a site without studying the alternatives.

I think that was one of the advantages of the assessment act, the alternative sites could have been looked at. Under the protection act, of course, that is not possible. I could never quite understand why the minister seized on Ajax with such vigour. I would have thought there were other sites available that would have been just as good. Now, if I am wrong—

**Mr. J. Johnson:** May I ask one supplementary? Have you one name of a site that would be acceptable?

**Mr. Gaunt:** No, I haven't, but I presume the ministry would have.

**Mr. J. A. Taylor:** Mr. Minister, why would you pick a Conservative riding? There must be a Liberal riding or an NDP riding.

**Mr. Gaunt:** Actually we have been picked on enough. It is time we spread the largess.

In any event, those are questions that certainly demand an answer. I think they are reasonable questions. They have been asked by many people. We have talked about them in the House. When the minister committed the money he did, I do not really criticize that. All I say is that having put \$270,000 into the Ajax site, I would like to be assured that is the best site available. If the minister is satisfied it is, fine, but in committing that kind of money, I would think it would have been appropriate to look at some alternatives and to make the judgement that was the best one available before actually committing the money. However, the decision is made and the judgement call is there and the minister undoubtedly can justify it.

**Hon. Mr. Parrott:** As an aside on that, how many other large sewage projects are likely to come on stream in the near future where there will be a relatively modern plant that could be retrofitted as could Ajax? That is not likely to occur again. We are not going to have more York-Durhams in our lifetimes. London is not likely to give up, or Woodstock or Goderich or Peterborough. Where would we get that opportunity again?

**Mr. Gaunt:** In terms of straight economics, how much is it going to cost to retrofit that plant, to do the job you see it doing? It obviously has to have some renovation and some alteration. My question is, are you going to spend a lot of dollars and still have an old plant or would it have been better to start from scratch and then at least you would have a new facility? I pose the question, I am seeking an answer. I do not know. I do

not have the expertise in that area to make that kind of judgement. I am a very modest man.

**Mr. J. A. Taylor:** Don't be modest.

8:40 p.m.

**Mr. Gaunt:** I have much to be modest about. In any event, I am posing those questions to the minister and—

**Hon. Mr. Parrott:** I think that is part of the answer.

**Mr. Gaunt:** —I look for a response.

The last area that I have questions on, Mr. Chairman, relates to the Environmental Assessment Board and the act. I have a question with respect to the minister's statement in the House having to do with the Environmental Assessment Act regulations for municipal undertakings, which he made a few days ago.

Dr. Donald Chant was named as the independent person to hear petitions on matters pertaining to additional designations or exemptions under the Environmental Assessment Act. I do not know how that is going to work. For example, does one take a municipality that wanted an exemption, even though it was perhaps over the \$2-million limit, but sought an exemption for good and valid purposes, let us say? Would it make application to Dr. Chant and would he hear that application? How does that process work? I am not at all clear on what the minister has in mind with respect to additional designations or exemptions. How is that process intended to function? In any event, the minister can respond to that.

The only other thing I had in that connection was the omnibus bill that the minister said would be coming into the House. I think he made a statement to the Provincial-Municipal Liaison Committee a number of months ago in which he committed himself to streamline the approval and hearing process for waste disposal sites. The omnibus act would embrace the Expropriations Act, the Ontario Municipal Board Act, the Municipal Act, the Planning Act, the Niagara Escarpment Planning and Development Act and the Parkway Belt Planning and Development Act, so that a single comprehensive approval on the hearing process would apply under the Environmental Assessment Act. We have not seen that legislation yet, but presumably we will before this parliament dies.

The Canadian Environmental Law Foundation wrote to the minister on April 21 and indicated that in its view, as it has been five years since this legislation was passed,



it would now be an appropriate time to conduct an impartial review of the procedures and applications of the act to determine their benefit to the public and to the environment generally. Have you considered that proposal? Do you intend to respond? Are you going to commit any funds to encourage this so-called objective study? I thought perhaps it was a good idea.

I would like to hear the minister's views on the matter and whether he thinks we have enough experience with the Environmental Assessment Act to conduct a really thoughtful and rational review of it at this point. I would be interested to hear.

That is all I have, Mr. Chairman.

**Mr. W. Newman:** May I ask a supplementary question? You say the Canadian Environmental Law Association is asking for a review of the Environmental Assessment Act. The minister has probably answered this question but I will mention that the Canadian Environmental Law Association had a tremendous amount of input into the Environmental Assessment Act and was very happy when it was passed at that time.

**Mr. J. A. Taylor:** Maybe they had second thoughts.

**Mr. W. Newman:** And maybe they are having second thoughts now. Perhaps you would like to comment on that.

**Hon. Mr. Parrott:** Do you want me to start at the top or the bottom?

**Mr. Gaunt:** Start at the bottom and work up.

**Hon. Mr. Parrott:** We are not going to do a review of the act now. It is far too premature. There has been one hearing, and I don't think that, by any stretch of the imagination, is sufficient to do a review. You have said on occasion that there has been too limited a use of that act, so why do a review when I am sure it is going to change? I trust the Canadian Environmental Law Association will be as objective in its wish for a review as it was in its original input. I was hoping they would do it for a smaller fee than we had anticipated.

CELA tells us in private that it is the best act there could possibly have been. I wish they were out selling it a little more in certain areas of this province where their testimony would be of great value. I think it is unfortunate that somehow or other, where the act does apply, people aren't stressing its value, but that never seems to be part of the discussion. We never get that far in the discussion, but we are not going to do a

review at this time and we just think it is premature.

In Environmental Assessment Board regulations, Dr. Chant's role is very simple; it is quite the reverse of what you are suggesting. It isn't that a municipality would want in. It is when it isn't in that there would be some doubt. The normal process would be that people would go to Dr. Chant with a petition and say, "We think the act should apply, notwithstanding the exemptions or the exclusions." He would recommend to Her Honour that the act would apply to that particular matter.

I guess the reverse could be true. The councils could ask to have the act exempted. I think in the scheme of things it is more apt to be the other way, but I suppose it could work that way. I would like to stress in the streamlining—

**Mr. Gaunt:** Just before you leave that, Mr. Minister, how will this work? To take your example, let's say the project is under the \$2-million figure but the municipality wants to go under the Environmental Assessment Act. Does it apply to Dr. Chant?

**Hon. Mr. Parrott:** No, they can apply to us and we can designate it. There is nothing that says it can't be under the act. We are saying there are certain conditions where it doesn't automatically apply. Even under the \$2-million figure there are certain things that are automatically in. It is beyond my comprehension that someone would want it to apply and we would not oblige. That has never been the case to this time.

**Mr. Gaunt:** I cannot understand your statement then on page four, which reads: "To provide public input and concerns about particular projects, the Premier has named Dr. Donald Chant as an independent person to hear petitions on matters pertaining to additional designations or exemptions under the Environmental Assessment Act." What is he going to do? What is his purpose in life in so far as the Environmental Assessment Act is concerned?

**Hon. Mr. Parrott:** To hear these petitions and to recommend to us. The deputy wants to add some words. He would recommend, as he has on two or three occasions.

**Mr. Scott:** It was originally set up that Dr. Chant was chairman of a committee that was to study the impact of the application of the Environmental Assessment Act to municipalities and to the private sector. I was a member of that committee, as was the chairman of the Environmental Assessment Board and one other member of the Environmental

Assessment Board. The secretariat was provided by the environmental assessment branch.

The Premier (Mr. Davis) added to that responsibility the right for anyone who was dissatisfied with an official judgement—that is, for example, where the minister had granted an exemption—to go to Dr. Chant as an appeal. He would then hear the person and make a recommendation directly to the Premier.

8:50 p.m.

They also provided the arrangement that in those situations that were clearly outside the Environmental Assessment Act but where the public, or some element of the public, had been demanding that the minister bring them in because they were either private sector or grandfathered or what have you, in those cases where they had been refused by the minister again, they could go to Dr. Chant, who would hear their cases and make a recommendation to the Premier for consideration by cabinet.

The major significance of including Dr. Chant's role in the announcement was that we have been concerned about conflict of interest for some time, and the Premier shared the concern. When he set it up in the first instance he was not aware of the potential conflict of interest. That is to say, you do have a conflict of interest on that committee when you have the chairman of the Environmental Assessment Board and one other who might subsequently hear any matter that was put before that, and when you had the Deputy Minister of the Environment sitting on that board who would obviously have a ministry point of view and who might have been involved in advising the minister in the first place on his decision.

It was declared the sensible thing to do under these circumstances was to set up Dr. Chant as the sole man to continue to make these judgements and to remove the rest of the committee from him for these purposes. That committee still remains intact for the purposes of planning the expansion of the act to the private sector and the considerations that go into that particular mix.

The major significance here was not the creation, necessarily, of something new, but pointing out that Dr. Chant was now the sole person responsible for dealing with these, unencumbered by the other members. As part of that, the sacrifice in that particular procedure, Dr. Chant kindly offered to resign as a member of the Environmental Assessment Board so he could not possibly have any conflict of interest further down

the road. That is really the background of that.

We would like to think that although there was no difference in actual substance or in the nature of the decision, it is a much cleaner system under this arrangement than it was before. The other system could have been subject to some suspicion because of the structural nature of it.

**Mr. Gaunt:** Was Dr. Chant ever petitioned on the Darlington exemption?

**Mr. Scott:** Yes, he was petitioned on the Darlington exemption. I believe, on the basis of a long and detailed letter from the leader of the New Democratic Party, and he considered that. He was petitioned on Highway 406. There are a number; I can't remember them all offhand. I can either provide them for you later or we may have someone here who can give you the list, but he had a number of situations, each one of which he considered.

In fact, because of the conflict, we really left it to him to make a decision in the final analysis in any event, on which basis he drafted the letter himself and sent it to the Premier without interference from the other members of the committee.

**Mr. Gaunt:** Then it goes to cabinet?

**Mr. Scott:** Presumably it is really up to the Premier at that stage to decide as he sees fit. I presume he took it to cabinet but I can't say that from any kind of first-hand information.

**Mr. Gaunt:** Is it a recommendation only from Dr. Chant?

**Mr. Scott:** Oh yes. Clearly, from the beginning it was understood that Dr. Chant would operate in a capacity where he recommended, and I think he recommended positively and negatively both, on the various issues. I don't want to rely on my memory at this stage, but it is part of the public record and there is no problem in providing it for you. In fact, at the time all the issues got some degree of media play.

**Hon. Mr. Parrott:** There were about six in total. We hope to have the streamlining, and I don't know whether it is possible or not but I think there is a pretty good chance we will have it for first reading on the 19th. I don't know if there is any chance of having it before then. If not, I suppose we might have a draft bill if we can't clear this first reading soon thereafter. We would like it out for discussion over the summer months so if we don't do first reading on the 19th, then I propose we will issue a

draft piece of legislation within the month. Our preference would be to have it printed, as it is so much simpler.

One of the things I stress, and I think it is important that we have come to this conclusion after a lot of discussion with my confreres in cabinet, is that it is kind of important how we talk about this. It is a hearing process; unique. We want it streamlined, but we don't want it to be identified with one aspect, either predominantly OMB or predominantly environmental assessment. It is streamlining the hearing process where there are a large number of acts to apply. We think that is significant, that it is understood that way, and I welcome the chance to make that clear on the record.

There will be many various pieces of legislation that could apply to this. It is predominantly where environment and planning matters will be in a joint hearing. We will try to have that in the legislative works this month; if not in a draft bill, then I hope for discussion this fall.

I am committed to several of them on an ad hoc basis and I would like not to have to do it this way. I would like the omnibus bill to do it for us. But the Red Hill Creek and several others are committed to go that one way, so it is the only thing we should contemplate. I am sure it is a matter of drafting it appropriately.

Since it is involved with so many other pieces of legislation, it is a bit difficult to draft. But I spoke with the Minister of Housing (Mr. Bennett) on a couple of aspects of it today and I think we have reached a meeting of minds. The concept, of course, is very clearly accepted by all in cabinet. It is now getting to the specific details and they should be available.

Were you going to speak on annex 12?

Mr. Giles: Yes.

Hon. Mr. Parrott: We have talked about that; it is not quite next on the list. I am going to ask Mr. Pitura to speak on Ajax and what can go there; perhaps a few words on plans to destroy herbicides. Then we will go to the subject matter of acid rain and I don't know who all will get in on that.

Mr. Giles: Mr. Chairman, there is a good deal of work going on in connection with the water quality agreement and in connection with toxics and hazardous contaminants in general. I think one could say that as a result of the agreement we have accelerated our programs, both federally and provincially.

There is this review board which consists of representatives of the federal and provincial governments. They are basically the board

of directors of the joint efforts of the two governments in all of the implementation of the water quality agreement. We have given some attention to this question of how we implement annex 12, which has a number of requirements in it. As a result, we are working with the federal government and we have both put emphasis in this general area.

For example, we have appointed a full-time co-ordinator now to head our hazardous contaminants office. The purpose of this was to provide a single focal point where we would have someone who is in touch with all the various activities going on within the ministry and in other government agencies as well. We find that in tackling this type of program, our problem is we have programs in so many different branches and so many different parts of the ministry—in head office and in the field and in the laboratories—that it is necessary to pull this together to take a look at it and ask ourselves if we are doing an adequate job.

We have devoted additional funding this year and we now have a total of roughly a million or \$113,000 that is spread among four different parts of the ministry. Our approach is really to establish the steering committee of senior management within the different branches. We have what we call co-ordinators within each branch who are responsible, and under the direction of our overall co-ordinator we will be directing more effort to the work.

One of the major tasks is to try to compile this list of contaminants and toxic materials that we seem to have some discussion about annually. We have identified roughly three categories of chemicals now and we believe we should classify the chemicals as they come under consideration and detailed discussion.

9 p.m.

The first of these are the regulated hazardous compounds that are widely recognized as hazardous to the environment and public health. These are compounds like asbestos, DDT, lead, mercury, mirex, polychlorinated biphenyls, polybromated biphenyls, vinyl chloride.

The second category of chemicals is potentially hazardous compounds where available data are insufficient to determine the degree of environmental hazard but indicate a need for concern.

The third group is called surveillance compounds, of which, although the data do not indicate undue hazard, continuing monitoring may be necessary, and guidelines and objectives may be set for certain compounds recognized as toxic.



We have tackled a number of parts of the Great Lakes system with more detailed studies to identify in some detail what is in the water and to attempt to backtrack to where it is coming from. As you can well appreciate, rivers such as the St. Clair or Niagara or the St. Lawrence in particular, with the numerous industries that exist in those areas, are all contributing significantly to the problems that exist in the water. It is not that easy to backtrack and locate the sources. We have work going on and we have people with us who can elaborate on any one of these areas if you wish.

In addition to the work we are carrying on on the Great Lakes, of course, the whole hazardous contaminants question across Canada has received a great deal of attention in the last year or two. Again we come to this subject under a whole lot of different topics, some of which we have already talked about. I would like to mention that under the auspices of the Canadian Council of Resource and Environment Ministers, they have set up an active working group. Tom Cross, our director of the air resources branch, is chairman of that interprovincial and federal group of people who are coming to grips on a national basis with a system of identification and definition. They will be recommending to all governments a uniform approach to dealing with these particular substances.

As I said before, we can get into more detail if you wish on any one of these areas. We have people here who can elaborate if you would like. But that is a general overview of how we are attempting to accelerate our activity in this area.

**Mr. Gaunt:** In terms of the identification and development of a uniform approach, I presume that will not only apply to Ontario but to other jurisdictions as well.

**Mr. Giles:** That is correct.

**Mr. Gaunt:** So they will have some kind of pollution monitoring system in place as well, presumably to do the same job we hope ours will do when it really gets going. I am pleased to hear considerable work has been done, based on what you said, Mr. Giles. The key thing, however, is that we still don't have the system to the point where it is operational and where we can get identification reports, for instance, monthly exception reports on industrial polluters.

Wouldn't you agree that once you get the system developed to the extent where the data are going in on a continuous monthly basis, then you should be able to get the information back out on a monthly basis and

be able to identify immediately the polluters that aren't meeting the requirements?

**Mr. Giles:** That certainly would be one means by which we would have some indication of what was happening. As you know, our approach relates to the water quality, and this involves backtracking effort with the terrific number of compounds involved. It isn't easy and I am not sure we will necessarily have all the information we require from a system such as this. We did discuss this with Mr. Turner last time in regard to the progress we were making in this general area.

**Hon. Mr. Parrott:** I don't quite understand your point there, Murray. I can understand how the contaminant gets into the water, but I don't know your point in this regard. If it is a herbicide, it would obviously be used; it wouldn't be destroyed. So you don't need a method of destroying it. It is only when it is banned and then declared a waste that you need a method, and we can address that.

**Mr. Gaunt:** That's right.

**Hon. Mr. Parrott:** How could legitimate use be polluting? I know it is, but I thought the inference is you use it and if it is not completely destroyed, it goes into the environment. Then you have to worry about the burden placed upon the ecosystem to deal with it. I understand that, but it isn't pollution in the narrow sense of the word.

**Mr. Gaunt:** No, I am thinking in terms of storage and misuse. There are a number of examples.

**Hon. Mr. Parrott:** All right, 2,4,5-T has to be stored. That is the only answer: To store at home regardless of how little or how much.

**Mr. Gaunt:** So in terms of 2,4,5-T, as far as the ministry is concerned, it is stored on an indefinite basis.

**Hon. Mr. Parrott:** Yes. We are going to have to understand that. It isn't what I want, but if there are no facilities to destroy wastes—and we are fast closing in on that condition where there will be no facilities to destroy wastes—then there is only one alternative, legitimate and legal, and that is to store.

**Mr. G. I. Miller:** How much 2,4,5-T is on hand?

**Hon. Mr. Parrott:** I guess less than 35,000 gallons. There were 35,000 gallons. Some of that has been sold. I don't know the exact amount at the minute.

**Ms. Bryden:** Are you working on research for methods of destroying that material?

Hon. Mr. Parrott: No. Why? We know what it is and what you can do with it, but what we need to know is not what, but where. That is the whole essence of our problem.

Ms. Bryden: Do you have a method that will destroy it?

Hon. Mr. Parrott: Sure.

Ms. Bryden: High-temperature incineration presumably.

Hon. Mr. Parrott: Sure. But where? We always come back to that word "where."

Ms. Bryden: It is up to the ministry to provide some high-temperature incinerator plants not in Ontario populated areas.

Hon. Mr. Parrott: It is a little more involved, like, with respect, Mr. Haggerty's comment about Algonquin Park. You don't subscribe to that any more than I do, Ms. Bryden.

Ms. Bryden: That is a straw man. We are not going to put it in parks.

Hon. Mr. Parrott: No, but why trot out that straw man you just did about some place away off which is never identified?

Mr. Haggerty: At least I gave you identification.

Hon. Mr. Parrott: I will give you that much.

Ms. Bryden: If you had some criteria for selecting your places, you would find places that aren't heavily populated and are suitable.

Hon. Mr. Parrott: And we have that.

Mr. W. Newman: Mr. Chairman, a supplementary question, if I may. Is 35,000 gallons the correct figure? Does that include Hydro and everybody else?

Hon. Mr. Parrott: Yes.

Mr. W. Newman: You have a ready market for it, I understand, in other provinces?

Hon. Mr. Parrott: Yes.

Mr. W. Newman: Is it not possible to sell it to them?

Hon. Mr. Parrott: We are prepared to let them sell it. It is rather interesting that the other provinces are quite prepared to buy it.

Ms. Bryden: If it is not safe here, why should we move it out there?

Hon. Mr. Parrott: There is a lot to say about that issue. I can also say it is used in the US and in a lot of other places.

Mr. W. Newman: Right here in Canada.

Mr. Gaunt: I was going to say that in terms of the industrial water pollution monitoring system we are getting slightly off the topic. I was interested in seeing that infor-

mation from industrial polluters is fed into that system in such a way that it can be done on a monthly basis. You can get monthly exception reports back out of it.

Hon. Mr. Parrott: That's broader than herbicides.

Mr. Gaunt: That's broader than herbicides. The overall system doesn't confine itself to herbicides. I am talking about what is coming out at the end of the pipe in terms of hazardous contaminants.

Mr. Giles: Mr. Chairman, there is no doubt the system we have in mind and are developing will give us that kind of information. But there are other possible solutions to this problem as well. One of the areas of concern we maybe should be exploring, in fact are exploring, which spreads a bit of responsibility around, is that the municipalities perhaps have not sufficiently tight, serious bylaws, for example. This creates problems of a continuous flow-through of these materials which again are creating difficulties. So it takes a combination of many solutions to solve this problem completely.

9:10 p.m.

Mr. Haggerty: That is what Mr. Gaunt is getting at, the continuous monitoring of the industrial waste which we know is going in there. For example, "The International Joint Commission has identified some 500 potentially toxic, bio-accumulating, persistent organic compounds in the Great Lakes." In the Globe and Mail they are better known as phantom chemicals.

The IJC said: "Many of these compounds, including dioxin and kepone, are undetected in the usual water quality surveys. They have the potential of harming aquatic life as well as affecting human wellbeing, as present methods of water treatment do not remove them; they are found essentially unaltered in drinking water supplies." That is a rather serious comment by the IJC, that there is a serious problem there.

I was with the minister at the opening of the new water treatment plant in the town of Fort Erie, and I noticed he has a much whiter shirt today. Perhaps he is using some of that better quality of water—somewhat better than that which the mayor had presented to him that day.

Mr. W. Newman: That is a new shirt.

Mr. Haggerty: But it does concern me that there are deadly chemicals in our drinking water, and that there is not any present treatment that is going to remove them from

the water. You can have the best technical equipment but it is not going to remove it.

No doubt about it, eventually that is going to catch up with us and cause some serious problems. It may be right now, as it relates to the increase in carcinogens or cancer in human beings. I would be concerned about this. I think there should be much more effort put into this particular area, that is, into monitoring to find out who is causing the problems. I was going to get into that in detail, but I guess Mr. Grant is not here today; perhaps he will be tomorrow. I wanted to get into the Niagara Waterlog study that was prepared.

I look at the list of control orders on industries in the peninsula. I do not think there is any improvement. If I look at other studies that have been done by the region and by your ministry on contamination by chemicals and heavy metals being processed through the municipal sewage treatment plants, I do not think there is any improvement. I believe you had some bags of compounds there.

**Mr. W. Newman:** Compost.

**Mr. Haggerty:** Compost. I thought it was compounds because it was said, "Do not use it on vegetables because there are heavy metals in it."

I suggest that is what we should be concerned about. I am sure it is going to cause us serious problems very shortly if we do not get into this particular area and get back to the one that is causing the pollution.

**Hon. Mr. Parrott:** There is so much confusion in what you are saying, Mr. Haggerty.

**Mr. Haggerty:** I am quoting from this book, and I hope the book is right.

**Hon. Mr. Parrott:** You are comparing bananas and oranges. We were not talking about industrial sewage treatment material over here, we were talking about the composting from the resource recovery plant.

**Mr. Haggerty:** I don't know. I just understood that it has heavy metals in it, and all I am saying is, by the analyses that were taken by—

**Hon. Mr. Parrott:** There are heavy metals in sludges. There are heavy metals all over the doggone place.

**Mr. Haggerty:** But this is the whole problem. I think this is the point Mr. Gaunt is trying to convey to you, that you do have industry in the province that is using this method of disposing of it through the municipal water treatment plants. It is silly, because they are using it day by day.

I have seen studies in the peninsula. I think in particular of one case in which they wanted to put a sludge pond in the city of Niagara Falls. The analysis of the material that remained in the sludge was frightening when you look at the different chemical compounds. As I understand it, they will not even permit this to be spread on farm lands.

**Hon. Mr. Parrott:** That is why we have sludges, to take that out of the sewage.

**Mr. Haggerty:** You take it out. How do you dispose of it after that? It is still around; there are still the dangerous metals.

**Hon. Mr. Parrott:** There is an old law of physics that used to prevail: Matter cannot be destroyed. It is pretty tough to break it down. We cannot close our eyes to the fact that it was generated and it is there. Sure, we can control where it goes, but we cannot destroy it.

You are almost wishing it away as if it somehow or other no longer existed; it will exist. We are at least collecting the vast majority of it in our sludges. As you know, there has been a tremendous updating in the regulations about how we dispose of our sludges. We are taking forever in improving our system. But there comes a point at which improvement is technologically no longer possible. You can only go so far in eliminating the heavy metals, for instance, from the stream. It eventually has to find a repository somewhere.

**Mr. Haggerty:** You run into the same problem that Ontario Hydro and any nuclear country is finding today; that is, they have no safe way of disposing of nuclear waste unless they put it in a repository.

**Hon. Mr. Parrott:** You are oversimplifying your society far too much. You are asking for a no-risk society.

**Mr. Haggerty:** No, I am not asking for a no-risk society. All I am saying is, to go back to the early history of the IJC, it was founded for the purpose of seeing that the waterway was not contaminated. This goes back to 1909 when it was first created. The watchdog system has not improved.

**Hon. Mr. Parrott:** That is just not so.

**Mr. Haggerty:** They are telling me here that there are 500 unknown things.

**Hon. Mr. Parrott:** But you are missing one key point. The fact that we can isolate, identify and make all of these things known is a tremendous advance. Then all of a sudden that gets turned around as though we were going backwards—no.



**Mr. Haggerty:** You are finding out what they are. I think you are doing a good job in research, in that you pinpoint these things, but you are not getting to the polluter. He has still been able to dump it out in every watercourse or stream he can find.

**Mr. Scott:** I think what the IJC is saying is that we are getting into a very different, very sophisticated problem as it relates to pollution. We are getting to the major stuff. What they are trying to point out is that, with the kind of sophisticated methods we have today—and the St. Clair River study, on which we can certainly expand if you wish, is really a classic example of that—we can trace elements in the St. Clair River, and we are working with industry now to try to determine where some of them came from. What is worse in terms of complication is that it is not necessarily what industry puts out, because what it puts out in some instances may be perfectly innocuous; but combined with the effluent from the industry next door it suddenly ceases to be innocuous.

We are finding ourselves faced with problems from things that may have been there for centuries; indeed, they may have been far worse 10 years ago than they are today. But only today do we have the ability to trace them. This is what is the most frustrating element for us at the moment, because it is the most difficult for us to try to define. We are getting into an area in which we are finding things that we could not quantify before, and we are still not in a position to tell you whether they are dangerous.

We certainly find substances that we know, in amount X, will certainly kill you; but we do not know what they will do in one trillionth of a part of X, which is what we are dealing with in a lot of these cases. I think we are doing quite a creditable job in being able to quantify what is out there. We are not nearly in the situation, though, in which we could attach a risk level to it or even determine if there is a risk level.

That area in the St. Clair River study—again I use it as an example because I think it is a good one—we are on top of everything that is being done in the world on this; in fact, we are breaking some new ground there ourselves. But that is small consolation. We are breaking new ground and finding out things for which we do not know the ultimate health answers.

**Mr. Haggerty:** I agree with you. I think you are doing very well in this area of research. All I am suggesting, if I follow this report in which it says there are 28 industries,

of which perhaps 11 might meet the requirements of approval under present guidelines, is that industry after industry, the report says, has a “control order in effect” and “program approval in effect.” It does not say it has stopped them from polluting the waterways. They are still polluting them. There are very few of them that are satisfactory.

9:20 p.m.

**Hon. Mr. Parrott:** This is the Brock University study?

**Mr. Haggerty:** This is right.

**Hon. Mr. Parrott:** I think we want to respond to that because there is a good deal of updating to that report.

**Mr. Scott:** I think Grant Mills would be able to.

**Hon. Mr. Parrott:** Okay, Grant. I think someone should respond to that Brock University study.

**Mr. Haggerty:** Vinyl chloride, lead, nitrogen, sulphite, copper, nickel, chromium and phenols are in there. Here is Abitibi Provincial Paper, or one of the companies down in that area. The paper industry received substantial funding or grants and here it is operating a plant that is in direct opposition to a control order. It just doesn't make sense.

Beaver Wood Fibre Company Limited is another with a control order in effect. Domtar Construction Materials, another one in the paper industry, just completed a waste water recycling program, therefore, no waste discharge. There is somebody who has made an improvement. Kimberly-Clark of Canada Limited, I believe, number six, is another one with a control order in effect. They are all related to the paper industry.

What you find here, there is no doubt about it, is in Espanola and it could be in other paper towns. I don't have to talk about Reed Paper Limited. There is another example, number 11, Atlas Steels, with a control order in effect. How long have these control orders been in effect?

**Hon. Mr. Parrott:** Don't you want them in effect? Is what you are saying, not to have them in effect?

**Mr. Haggerty:** No. The question is when are they going to bring in the abatement program?

**Hon. Mr. Parrott:** That is what a control order does. When you have a control order in effect there are abatement procedures being carried out. That is the whole concept.

**Mr. Haggerty:** But are they not storing it somewhere? They are still producing the waste are they not? They are probably not

letting it go out into some stream, or some place like that, or confining it in a particular area until they get the abatement program in there.

Hon. Mr. Parrott: Let Mr. Mills respond. First, if you will give us a quick overview about the dumpers, that is kind of an interesting story in itself. There are so many identified here in noncompliance, and I think that has drastically changed, if memory serves me, and then we will deal with the specifics.

Mr. Mills: I guess this is on page 59 of the report.

Mr. Haggerty: Correct.

Mr. Mills: Of the 14 industries that are fingered, six have been determined to be acceptable; four have control orders and, as Dr. Parrott has pointed out, these are staged programs to bring the emissions under control; two are on volunteer programs—

Mr. Haggerty: What do you mean by "volunteer"?

Mr. Mills: They decided themselves that what we suggested they do is a reasonable thing to do, so it wasn't necessary to issue a control order.

The two remaining are very minor. Holiday Farms Limited, which discharges about 10,000 gallons of liquid a day, was to have its emissions under control by June 7, 1980, but it had trouble with delivery of equipment. That really is a very minor discharge.

In pulp and paper, Abitibi will have secondary treatment in force very soon. Ontario Paper Company Limited, with its upgrading and modernization program, will have secondary treatment in place by the end of 1982. These are the two major problems with the pulp and paper industry in that area. As I say, these will eliminate much of the problem associated with the discharges in that area.

Hon. Mr. Parrott: That is a pretty good progress report, isn't it?

Mr. Haggerty: Quite a difference from what you have here, but that is the reason I wanted to follow up and find out.

Hon. Mr. Parrott: I am glad you did.

Mr. Haggerty: Without mentioning any names, what about number 11 and number 27?

Mr. Mills: It is not a bad story to tell, either. Atlas has had a control order in place since 1979 and will have complete control by December 31, 1981.

Mr. Haggerty: So there are abatement programs.

Mr. Mills: Oh, yes.

Mr. Haggerty: What about 27?

Mr. Mills: A very small discharge again, but it either has or will be connecting to a sanitary sewer by July 31, 1980.

Mr. Haggerty: It said in the report, "Control order to be served."

Mr. Mills: They will connect to a sanitary sewer by the end of July 1980, apparently.

Mr. Haggerty: So they will get disposal that way again and let the municipality worry about it.

Hon. Mr. Parrott: But it has to come to standards.

Mr. Mills: It goes into a sanitary sewer.

Hon. Mr. Parrott: I know, but then it has to meet—

Mr. Mills: It meets the bylaw.

Mr. Haggerty: I just want to wind up by—

Ms. Bryden: That is almost an hour and a half given to Liberal questions.

Mr. Haggerty: I just have one more, number 28, Hayes-Dana Limited. It reports some treatment necessary. What do you have in mind for it?

Mr. Mills: Maybe they have said it violates very slightly the BOD and this sort of thing, but the volume is very small. I think with just minor additional treatment components they can bring that into control.

Hon. Mr. Parrott: That is one of our concerns, too, which I think should be on the record. So often when we are doing this comparative analysis we talk about volumes in very small numbers and we are compared to the United States where there are very large volumes, but they relate one to one, both are noncompliance, and that is true. You have heard us say here a million times that we think it would be probably more appropriate to compare volumes than just point sources, but we have to live with those rules.

Mr. Haggerty: I wanted to get into this thing. You mentioned the other day that there may be some things that may have to be qualified that may be incorrect. It would seem from the names of the different companies they are pretty well all in the riding of my colleague from Welland-Thorold (Mr. Swart) and I thought I would bring you up to date.

Then we look down at number 21, Inco Metals Company, Port Colborne. I know they spent about \$4 million or \$5 million on a treatment facility for industrial waste. I might add, as much as we can be critical of Inco, they perhaps spend more in—

**Hon. Mr. Parrott:** Are you sure you want to say this?

**Mr. Haggerty:** I do, because I think there are some things here that we don't quite understand.

**Hon. Mr. Parrott:** I don't think you want that on the record. It sounds too nice.

**Mr. Haggerty:** I am suggesting that I have seen the improvement they have made now. I have been very critical of them, I might tell you that, in relation to the occupational health sector and so on, but they have spent about \$4 million or \$5 million to make a great improvement to, say, the water quality of Nickel Beach there. That is just east or south of their plant facilities.

9:30 p.m.

We talk about the SO<sub>2</sub> that has been emitted in the Sudbury basin and I believe they shut down their iron ore pellet plant up there. I understand that facility alone contributed quite a bit of the SO<sub>2</sub> there, so there should be some reduction in the SO<sub>2</sub> from the Inco operation. In some of the new processes they have there—and the carbonyl process—I am sure that has reduced much of the SO<sub>2</sub> from previous kinds of this new type of development for the processing of nickel.

No one ever mentions Falconbridge up there. Yet it is the same type of industry and has the same stack that puts out SO<sub>2</sub>. Were any studies made in the Sudbury basin at the time of the long strike in Sudbury? What was the sample of air quality? Was it higher or lower in sulphur dioxide? Has anyone in the ministry made any studies? I just want to know if it was higher or lower? If it remained the same, then there is another polluter in the area.

**Mr. J. Johnson:** Mr. Chairman, I would like to ask some questions.

**Ms. Bryden:** And when am I going to get on?

**Mr. Gaunt:** May I wind up and perhaps the minister can respond to my additional comments when he is responding to Ms. Bryden?

May I say in conclusion, in response to what Mr. Giles has said in connection with annex 12, there are really three programs under the annex 12 agreement. One is identification of raw materials, processes and products in relation to persistent toxic wastes. The second one is to assess the total input of toxic substances into the Great Lakes. The third one is programs for disposal.

It was suggested the first one be completed by January 1982. Are you satisfied, Mr. Giles, that we can meet that deadline in meeting the terms of the agreement under annex 12?

**Mr. Giles:** No, I am not satisfied that we can meet it absolutely in the terms in which it was envisaged at that time but we are certainly working as rapidly as our confreres on the other side of the lake, if not more rapidly. We will certainly be well along by that date in having that part of the task under way.

**Mr. Gaunt:** In terms of the third point in the agreement they suggested the programs for disposal of hazardous materials be in place by this year. We are going to have some difficulty with that one too.

**Mr. Giles:** I would agree with you.

**Mr. Gaunt:** But it is upward and onward?

**Mr. Giles:** Exactly.

**Mr. Gaunt:** I will let it go for now, Mr. Chairman, unless the minister cares to respond to my additional comments.

**Hon. Mr. Parrott:** I will speak to the balance of them except for Ajax, which we may come to—the chairman will feel badly if he doesn't get the chance. But the others were on Inco and the acid rain or a combination of acid rain, Inco and Hydro, and perhaps others will cover some of the same.

**Mr. Shenfeld:** I am Louis Shenfeld, air resources branch. During the strike the general air quality of the Sudbury area was quite good. As a matter of fact it was quite good when Inco was in operation. Since the introduction of the high stack, general air quality in Sudbury is quite good. There are periodic days, during the summer especially, that sulphur dioxide levels for a few hours of the day get up quite high.

**Mr. Haggerty:** That was from the iron ore pellet plant?

**Mr. Shenfeld:** No, this is from the high stack. Convection brings the plume down to the ground and during those days Inco was under orders to cut back its production and its emissions accordingly. The days are so few in number when it exceeds its control order.

**Mr. Haggerty:** What about Falconbridge? Are they contributing to acid rain?

**Mr. Shenfeld:** I spoke about air quality. Your question was air quality.

**Mr. Haggerty:** Yes, but I mentioned Falconbridge too.



**Mr. Shenfeld:** With respect to acid rain, during the time of the strike and during the time of operation we did not detect any difference in the acidity of the rainfall between periods when both Inco and Falconbridge were not in operation and periods when they were. The amount of their effect is small as compared with the total impact in the area—so actually we can't detect the change.

**Mr. J. Johnson:** I wanted to ask a question of Mr. Mills but since he is now in the audience I won't ask the question unless he wants to respond.

I would like to make a statement in reference to both the Maitland and the Saugeen rivers and the surrounding environment. When I was mayor of Mount Forest we were issued with an order that we had to control our detergent phosphates into the Saugeen River. We were quite concerned about it because it meant a substantial cost to the municipality and yet none of the downstream villages, towns—there are no cities—had to pick up a similar cost.

We were quite disturbed with Mr. Mills and thought he was a little bit too rough, but under the circumstances we accepted it. Anyway, it boils down to the fact we did comply with the order. It cost us a substantial amount of money to put in the extra treatment facilities and also the extra cost for the chemicals to treat the plant.

We did treat our contaminants years before—I go back to 1972-73, at a time before the Great Lakes problems became too much of an international problem. Now we do have a Great Lakes solution that in my estimation is extremely viable. It is my understanding the Great Lakes are in excellent shape, much better than many people would have considered possible a few years back. Many lakes are clarified and many are on their way to being put in a position that they are acceptable, whereas not too many years ago it seemed to me the experts were saying it would be beyond this century before we could clarify the lakes.

I give a lot of this credit to the Minister of the Environment of the day, the minister who followed through, and the likes of Mr. Mills who issued these very stringent orders. I never thought he should have done so, at that time, but I agree with them today.

All I am saying is, if we work together on the problems of acid rain and others with the same degree of sincerity we did with the Great Lakes, I think together we can do something to solve the problems we have. If we can convince the Americans it is an

international problem, it is something we have to work out with not only the United States but each individual state that contributes to the problems of winds that blow the acidic rains this way.

I think we can take a lesson from our experience with the Great Lakes, and want to congratulate Grant Mills on his contribution. Maybe it is a small matter to some people here but it is an indication of the way this government has progressed for many years.

**Mr. J. A. Taylor:** Mr. Chairman, I think that is very commendable and I see many people here nodding their heads in approval. I would like to make a motion expressing our complete appreciation and thanks to the Minister of the Environment.

**Hon. Mr. Parrott:** This is quite a turnaround from the last session.

**Mr. Gaunt:** The minister will really welcome this. He said on the weekend, "I think we need a lot more positive views than just reciting the problems."

**Hon. Mr. Parrott:** If we only persuade you and one other person I can think of—I won't name names, but—

**Mr. Gaunt:** You just make us delegates to your next convention.

**Hon. Mr. Parrott:** I will do better than that.

**Mr. J. Johnson:** Mr. Chairman, I would like to add one more comment. This is of a personal nature. There was some comment made about Mr. McTavish. I assume that was Mr. Doug McTavish, who is a former resident of Mount Forest and an esteemed friend of mine. Whatever is said about Grant Mills applies to Doug McTavish too.

**Hon. Mr. Parrott:** I think it's only fair that you identify the four other regional chairmen.

**Mr. J. A. Taylor:** I will amend my motion then to include those gentlemen.

**Mr. Chairman:** Since you are in such harmony right now, we will turn to Ms. Bryden.

**Ms. Bryden:** Mr. Chairman, after these motions of approval, perhaps the minister needs an antidote to this morning's cartoon in the Globe and Mail which shows the thunderheads of acid rain beating down on a rather small umbrella.

**Mr. Chairman:** I couldn't identify you among the critics. I was looking. I don't know whether you were snubbed or not because I really couldn't see you in that crowd. I thought, "How sad."

**Ms. Bryden:** I did not think they were necessarily identifying individuals; it was the general public.

I noticed also that Monday's Globe and Mail honoured the minister by quoting him in the "Quote of the Day." The quotation was—I do not have the exact words here—to the effect that he can't clean up the environment alone because he is too suspect.

**Hon. Mr. Parrott:** Yes, that is in there.

**Mr. Gaunt:** The minister said that at the convention too.

**Hon. Mr. Parrott:** That's the point. Isn't that only good and reasonable sense? You see, that's the trouble with me—if we are going to talk about it a little bit.

**Mr. McGuigan:** You are just too reasonable.

**Hon. Mr. Parrott:** I am just too reasonable.

**Mr. J. A. Taylor:** And the others are too partisan.

**Hon. Mr. Parrott:** If you went to a meeting and you started to expound the theories of the New Democratic Party, it's just possible someone in that audience might think you were a little suspect. It's just possible. Can you understand that, Ms. Bryden?

**Ms. Bryden:** I don't think that was the context.

**Hon. Mr. Parrott:** Indeed it was. It was exactly the context.

**Ms. Bryden:** People do not believe the ministry is carrying out its commitments.

**Hon. Mr. Parrott:** Those are the negatives that you always want to dwell on. Let's think about the positives. That was the approach and I won't back up on that. What this society needs, what this world needs, is a lot more concentration on the positives.

We have done a lot. If you wanted to brag about what you have done in your party, don't you think it would be better if a neutral observer made those comments than you yourself? You see, it would be more believable. Keep that concept in mind. Let it dwell there for a while and you will come to an understanding of it.

Interjections.

**Mr. Chairman:** Order. Order.

**Hon. Mr. Parrott:** That reminds me of a story I heard about a tornado.

**Ms. Bryden:** Mr. Minister, time is running out.

**Hon. Mr. Parrott:** I would just like to tell this story. It will only take a second. I have forgotten who told it to me but I heard it at this great convention we were talking

about. That's why I think it's pertinent to this vote.

**Mr. Gaunt:** With all those negative delegates?

**Hon. Mr. Parrott:** No, no. This was on another occasion. We have our good times.

This poor family was worshipping in church and a tornado went through and took away the front pillars of the church and the front door, and it was left exposed, looking like a doll's house. This happened during the service. This person said, "If you think they had religion before the storm, you should have seen them afterwards."

What was that cartoon you were talking about?

The chairman didn't get the joke. I have to explain it to him. Mr. Chairman, I will do it after the vote. I won't take up time now.

**Ms. Bryden:** I have a series of questions on the Keating Channel dredging.

**Hon. Mr. Parrott:** They are on the Order Paper and I am not going to say much tonight, to change the mood abruptly. Because they are on the Order Paper, I think that is the best method of responding to your questions.

**Ms. Bryden:** I haven't put any questions on the Order Paper.

**Hon. Mr. Parrott:** Mr. Johnston of your party has. They are there, and I am not going to answer you tonight.

**Ms. Bryden:** I think it is a subject we must discuss here tonight. We haven't had an opportunity to discuss it and you cannot really discuss questions on the Order Paper. I think we are entitled in these estimates to deal with this question. To me, it is an example of the ministry's not doing its job and this is why the ministry is suspect.

**Mr. Haggerty:** You have spoiled the whole evening with that remark.

**Mr. Gaunt:** I don't want to interrupt my friend, but wouldn't that come under the next vote, Mr. Chairman?

**Ms. Bryden:** No, I don't think so, because it's a question as to whether there should be an environmental assessment on this channel dredging. First of all, I think I am entitled to ask which vote covers the money that would go into this dredging. Can you tell us that?

**Hon. Mr. Parrott:** We are paying for the assessment, but the government money for the dredging, whatever contribution that will be, will be from another ministry.

**Ms. Bryden:** I understood that the Ministry of Natural Resources and the Ministry of the

Environment would each put up \$55,000, and that Metro Toronto would put up \$90,000, to make up \$200,000 of the total \$600,000 cost; in other words, one third. What vote does that come under?

**Hon. Mr. Parrott:** You can talk about it under any vote you wish, but the money will actually come from the Ministry of Natural Resources. What do you want to know about it?

**Ms. Bryden:** There will not be any money coming from MOE except for the environmental assessment. Is that correct?

**Hon. Mr. Parrott:** That's my understanding of the situation now.

**Ms. Bryden:** But you don't know under what vote that would be?

**Hon. Mr. Parrott:** In the Ministry of Natural Resources estimates?

**Ms. Bryden:** No, no. Under what vote in the Ministry of the Environment will that be?

**Hon. Mr. Parrott:** Under the environmental assessment vote which we are doing now.

**Ms. Bryden:** Which item?

**Hon. Mr. Parrott:** I don't know, whichever one you want.

**Mr. Chairman:** We left it open for general discussion.

**Hon. Mr. Parrott:** Why worry about it? We are here. Let's talk about it.

**Ms. Bryden:** We want to know whether we are actually being asked to vote some money for this, and if so, what for?

**Hon. Mr. Parrott:** The Environmental Assessment Board item.

**Ms. Bryden:** Item 6?

**Hon. Mr. Parrott:** Yes.

**Ms. Bryden:** Okay. The next question is, does the ministry have to issue an approval for dredging in the Toronto harbour? Is that required?

**Hon. Mr. Parrott:** Is Mr. Macfarlane here? Do we have to issue a permit?

**Mr. Macfarlane:** I am Colin Macfarlane, from the central region. As I understand it, Mr. Minister, the answer is no, as long as it's done by agreement with your fellow Minister of Natural Resources (Mr. Auld), considering the risk of imminent flooding. The position there, as I understand it, is that the risk of imminent flooding that has been described to this ministry by the Metropolitan Toronto and Region Conservation Authority and your sister Ministry of Natural Resources is such that dredging has to take place this year while you are arranging for an assessment to

be made by the assessment board for the forthcoming dredging if it should be deemed to be necessary.

**Ms. Bryden:** Are you not required to issue a permit when water quality may be affected by the dredging operation and the disposal of the dredgeate?

**Mr. Macfarlane:** I think it has been waived by the ministers, Mr. Chairman, for this one year—

**Hon. Mr. Parrott:** Because of the flooding.

**Mr. Macfarlane:** —because of the risk of imminent flooding that has been described to the minister by the Metropolitan Toronto and Region Conservation Authority and the Ministry of Natural Resources.

9:50 p.m.

**Ms. Bryden:** Mr. Chairman, Mr. K. G. Higgs, director of operations for the conservation authority, in 1975 said: "Under design flood conditions, the lack of dredging in the Keating Channel would have virtually no effect on the extent of flooding which would be experienced in the lower Don . . . The likelihood of extreme flood levels is becoming more and more remote." Has the minister any evidence from the conservation authority or from the Ministry of Natural Resources that would contradict that assessment?

**Hon. Mr. Parrott:** I think you could deal with the Minister of Natural Resources on that. Indeed, if there is no doubt in his mind, I would like you to turn to him for the rationale of why he and his ministry feel there is imminent danger of flooding. We are persuaded, of course, to take that point of view.

**Ms. Bryden:** Mr. Minister, you promised in the House on May 26 to bring evidence to the House to back up the belief of yourself, the MNR and the federal government that a flood danger exists. We haven't yet seen that.

**Hon. Mr. Parrott:** I also said I thought the question of flooding should be referred to the appropriate minister. He wasn't in the House at that time, but that is where I think it should rest, now and then.

**Ms. Bryden:** That is only one argument I have heard as to why this dredging should be done, and it appears that you have not issued any approval for any dredging this year. You do not think it is necessary for your ministry to issue one?

**Hon. Mr. Parrott:** We may need Dennis Caplice here to speak on this. I don't wish to cut you short, Mr. Macfarlane, but I am



not sure which of the two of you is better to deal with the approvals.

**Mr. J. A. Taylor:** Would the Ministry of Natural Resources not be involved if you are going to excavate the lake bed? Does that not vest in the crown and under the jurisdiction of the Minister of Natural Resources?

**Hon. Mr. Parrott:** Obviously, they are very involved.

Bill, would you answer Mr. Taylor's question?

**Mr. Bidell:** Yes. In so far as the approvals are required for work to proceed, as the minister said, because of the imminent threat of flooding, the minister is willing to accept an application for exemption for this year, or until the work of the environmental assessment is prepared for part V of the Environmental Protection Act and also the Environmental Assessment Act.

But I would like to put this whole project in the proper context. The life of the project, if it goes ahead, if approved by the environmental assessment process as proposed—and I think that is a point that has been missed, very sorely in the publicity that has been given this project, that the environmental assessment process is still paramount and will be carried on—is approximately 20 years. In other words, if the project proceeds as at present planned, if approved by the environmental assessment process, it can go on for a period of 20 years. It has the capacity for that sort of time span.

Because of the threat of flooding determined by others—not people in this ministry—we are prepared to entertain an application for exemption under both the Environmental Assessment Act and the Environmental Protection Act, part V, for the purpose of alleviating this flood threat. Simultaneous with this process, the process is now under way in earnest in terms for the preparation of the necessary environmental assessment documentation as to the complete consideration of alternatives, including things such as deep water dumping, which has been turned down to this date, and alternative sites for disposal. Because of this flooding threat and the fact that all parties have technically agreed this site is an acceptable site for disposal, we are prepared to entertain those applications for exemption.

**Ms. Bryden:** Have applications actually been made to you for exemption?

**Mr. Bidell:** They will be very shortly.

**Ms. Bryden:** They haven't been received yet. Has the dredging started?

**Mr. Bidell:** Yes, the dredging has started.

**Ms. Bryden:** How can it start before the exemption has been given?

**Mr. Bidell:** They have started the dredging. What they are dredging at the moment is slips under the jurisdiction of the Toronto Harbour Commission and the federal government. If the project proceeds as at present planned, the dredging of the actual channel will not begin for another three or four weeks from now, and the application for exemption will be in before that time.

**Ms. Bryden:** It seems rather strange to have the work start before the exemption and approval has been given. It is even stranger to carry out this deposit of dredge-ate before you have had the environmental assessment on whether this is a safe deposit site. Doesn't that seem rather strange?

**Mr. Bidell:** No. We quite agree that this project is and will be subject to the Environmental Assessment Act, but there is an imminent threat of flooding, which has been declared by others a serious problem—and there is evidence to support this. This is the only reason we are prepared to proceed in the matter while the environmental assessment is being done. Keep in mind that the project does span a very long time period. In the next short while, if the environmental assessment process indicates this is not the right thing to do, then—it could be in another year and a half to two years—the project will be stopped.

Furthermore, if this exemption application is made and the exemption is granted, as we are prepared to do at this time, then we would have a rigorous monitoring program under way while the dredging would be going on. If we find there are significant detrimental impacts on the water quality, we have advised the appropriate authorities that we would not hesitate to stop the project.

**Mr. J. A. Taylor:** Could I have a supplementary on that?

**Ms. Bryden:** Yes.

**Mr. J. A. Taylor:** It is a little confusing to me, because you mentioned the jurisdiction of the federal government, I thought, in regard to some of the work that was currently being done—

**Mr. Bidell:** In terms of the slips.

**Mr. J. A. Taylor:**—and then you said it would be subject to the Environmental Assessment Act, or there would be an exemption under that act.

**Mr. Bidell:** No. The slips are all west of the Cherry Street bridge.

**Mr. J. A. Taylor:** I am not asking that. The point I am coming to is that I wasn't aware that the Environmental Assessment Act applied to the federal government. Does it?

**Mr. Bidell:** There is a very long and involved explanation, Mr. Taylor. Suffice it to say that the entire project, all the way up the feeding channel to the right-angle bend where the river comes into the channel, will be subject to the Environmental Assessment Act because the water lots on which this dredge-ate will be placed are at present owned by the provincial government. This makes it subject to the Environmental Assessment Act.

**Mr. J. A. Taylor:** Then I am back to my first question, which you didn't answer directly. That was the question of a permit to dredge crown land, which is what you are doing. The bottom of the lake bed is vested in the provincial crown.

**Mr. Bidell:** Yes, and that is why it is subject to the Environmental Assessment Act—

**Mr. J. A. Taylor:** Just a minute now. If the lake bed is vested in the provincial crown, then I understand that jurisdiction in terms of permission has to be obtained from the Ministry of Natural Resources if you are going to do anything to that lake bed. Are you telling me now that it is not that other ministry that gives them permission? This goes back to what Ms. Bryden started and what I was trying to clarify.

**Mr. Bidell:** That is why the Ministry of Natural Resources will be applying for the appropriate exemptions.

10 p.m.

**Mr. J. A. Taylor:** So it is another ministry that is applying for this.

**Mr. Bidell:** Yes.

**Mr. Scott:** Mr. Chairman, if I may, I'd like to add a very important point on this question of flooding. It has been quite properly pointed out that it is not our responsibility to assess the flooding risk, although we are obviously concerned about it. Specifically, I would like to make the point that, as anyone who is familiar with the geography in that area will realize, a major flood, particularly one which moves ice in among the industry, the storage tanks and so on in that area, could cause a major environmental disaster. There are environmental concerns, quite aside from the high water aspects of the flooding, that have not received any attention to date.

**Ms. Bryden:** Mr. Minister, it seems to me that if you are going to give an exemption

based on flooding dangers, it is your duty to table to this committee the evidence that there is a flooding danger. I have heard people suggest that there isn't a flooding danger and we have to see the evidence before we know whether you are justified in issuing this exemption and whether you are justified in putting some dredging in effect that will affect more than the slips.

I understand Keating Channel will be done this spring, which may cause severe environmental problems for the water intake as well as for the Leslie Street spit, which is a very sensitive recreational and environmental area. You are taking tremendous risks with our environment, presumably on the basis of some presumed flooding. We have never seen the evidence that it exists. It seems to me you should get that from the Ministry of Natural Resources for us.

**Hon. Mr. Parrott:** We do have it and I am asking you, if you wish that, to raise it in the House. I know the minister is prepared to put that answer forward for you. Any day you ask him a question, I am sure he is prepared to give you the full explanation and answer. It is obviously the case he has made to us, and we have accepted it. If you want to know, why not ask him directly? Why go through an intermediary? We know it is his. You have full access to him as well as to myself.

**Ms. Bryden:** We can pursue that. Assuming that the flooding is not dangerous, you are taking considerable environmental risks by allowing this to go ahead.

**Hon. Mr. Parrott:** We are not assuming that flooding is not dangerous.

**Ms. Bryden:** I have to be convinced that it is. Are you not concerned about the risk to the water intake from having this dredge-ate dumped beside the Leslie Street spit or in a pond on the edge of it?

There is considerable evidence in a report from Mr. Salbach of your own ministry. In February 1980, he said, "Should Keating Channel's polluted dredge spoils be dumped at the site in 1980, there is a high probability that the Toronto Island water intakes would be affected."

He went on to say that the track record of the Toronto Harbour Commission for observing water quality requirements is not good. Therefore, you are going to let them go ahead when there is a danger to the water intake.

In February 1980, Mr. Salbach also said that the ministry directives were ignored by the commission as recently as mid-1979 "with

the result that extensive water quality violations were occurring," including one instance in which pollutants stirred up by the harbour commission work reached Toronto municipal intakes.

Are you not concerned about the dangers to the water intakes from letting this go ahead before you have had an environmental assessment to see whether the method of storing and transporting the dredgeate will not affect the water supply adversely?

**Mr. Bidell:** I would like to point out that the construction of the spit has nothing to do with what we are talking about now—the pond, as you put it, and the placement of the dredgeate material. The construction of the spit has been going on for 20 years. To the best of our knowledge, at no time was the water intake threatened because of this construction operation, in terms of danger to the water supply.

Notwithstanding that fact, as I have mentioned before, subject to the environmental assessment process that will be coming up very shortly, we have a very intensive monitoring program planned and in place while this project would be going on, to ensure that things like the Toronto Island water intake are not affected and there is no significant detrimental effect to the water quality in the whole area.

**Ms. Bryden:** I wasn't suggesting that the construction of the spit was endangering the water intake. It is this new pond that is being developed as the containment place for the dredgeate. Until you have an environmental assessment and look at the possibilities of this method of disposal I don't think you can be sure that it won't affect the water intake in the future. This is what people are concerned about.

**Mr. Bidell:** No, you mentioned the fact that there is some evidence the water quality is being impaired. What you referred to was prior to the placement of any dredging. Those remarks were with respect to the placement of the endikement wall that will contain the dredging. We are satisfied that with our monitoring program, which will ensure that we keep on top of this situation, the opening that will temporarily be provided will just be wide enough for the scow to go in and dispose of this material. We are satisfied that if they adhere to our specifications and requirements in terms of the opening this containment area will provide, this material will be contained to the necessary environmental standards.

As I say, the monitoring program we have will ensure that will take place. If we find

that our projections aren't proper or weren't correct, and this is exactly why we have embarked on this monitoring program, we will make sure nothing like that takes place, but if it does take place we are prepared to shut down or to order the work stopped.

**Hon. Mr. Parrott:** That would be equally true I believe—correct me if I am wrong on this—after an assessment was done. Let us assume for a moment the assessment was completed and permission granted. It is still possible that what Mr. Bidell said is true. We will monitor those things. Even though the very best of plans were that it would have no effect, and everyone agreed on that, yet somehow or other it didn't work, and that is possible—that is the difference between theory and practice—we would still be prepared to say that must stop.

The assessment can only give us some potential answers. I just made the case that even though you have done your utmost in engineering and the engineer has given all of those answers, if the thing doesn't work, we still have an obligation to shut it down after the assessment was done. I think that is awfully important. Our job is continuing. It will continue for 20 years to make sure we are not seeing ill effects, even if the approvals were given.

**Ms. Bryden:** The main point of an assessment is to look at alternatives and there are alternative methods of disposal. There is another site that would have been better in the opinion of the ministry but the Toronto Harbour Commission thought that they didn't want it. They wanted to reserve it for possible future expansion of the outer harbour.

**Mr. Bidell:** It wasn't only the Toronto Harbour Commission. It was the city of Toronto and Metropolitan Toronto.

**Ms. Bryden:** The latest reports are that unfortunately Toronto Harbour business is shrinking and the needs for expanding the outer harbour are not all that great and certainly not at an environmental risk.

**Hon. Mr. Parrott:** That brings us right back to the very point that there will be an environmental assessment. I have met with the Metropolitan Toronto and Region Conservation Authority and put it in the most direct, positive terms. I don't just want an assessment, I want their active participation in that assessment.

**Ms. Bryden:** Isn't it better to look at the alternatives before you start dumping in one of the sites?

**Hon. Mr. Parrott:** You go full circle again. You know that is a very temporary situation



based on flooding and we will be doing the full assessment. We can go around that again, but we are wasting time. I think we honestly have answered and given our response. Whether you accept it, I guess I will leave with you. Why go over the same ground again?

10:10 p.m.

**Ms. Bryden:** Let us break some new ground. Do you know what is in the dredgeate? What is at the bottom of the Keating Channel?

**Mr. Scott:** As I understand it, both sites offer essentially the same type of technology for containment. You can argue that one site might be preferable to the other. Obviously that is a matter that will arise at any environmental hearing. But the technology or the techniques for containment are exactly the same on both sites.

**Ms. Bryden:** There is also open water dumping which is another alternative.

**Hon. Mr. Parrott:** No. I don't think that is an alternative. That has been legislated against. There will be no open water dumping. Isn't that agreed?

**Mr. Bidell:** Open water dumping took place, as a matter of fact, from 1920 to 1974. With our present scientific knowledge and commitments to the International Joint Commission, plus the feelings of the federal government, open water dumping is not accepted as an alternative.

**Ms. Bryden:** Okay, I grant you.

**Hon. Mr. Parrott:** Do you believe that is one we should look at, Marion?

**Ms. Bryden:** I think it would be better to look at the effects on the fish habitats and so on of the two containment methods. Certainly containment is not necessarily the answer either. Perhaps it would be better just to leave the sediment there.

**Hon. Mr. Parrott:** Eventually, bingo.

**Mr. Bidell:** The evidence we have, Ms. Bryden, is that there is a potential for a flood to take place every year.

**Ms. Bryden:** There is a potential for a hurricane every year too.

**Mr. Bidell:** No, but I would like to point out this to you. Over those years, from 1920 to 1974, flooding of the lower parts, that is, south of the Keating Channel, was not encountered because it was always being dredged and dumped into the deep water during that period of time. Since the dredging stopped in 1974—actually 1975—our experience, that is, the experience that the Metropolitan Toronto and Region Conserva-

tion Authority and the Ministry of Natural Resources have undergone, has spanned a period of only about two years.

It is only two years that this channel has been filled with the sediment, because before that they were always dredging it. But since dredging has stopped, this channel has filled in. As a matter of fact, one of the things the city of Toronto was very insistent on over the years was the placement of booms across the outlet at the channel to make sure all the jetsam and flotsam coming down the Don River was contained by this boom and taken off. The channel got so shallow that the booms could no longer be placed there because there was no capacity for the water to get through. Therefore, these booms were taken off and the debris that came down the Don River is now going into the inner harbour and into all the various slips along the harbourfront.

The depth of this channel, therefore, has been reduced only in very recent times, the last year and a half or two years. That is why there is a danger of flooding south of the Keating Channel. Flooding north of the Keating Channel, up the Don River itself, is likely to be caused by other factors, not the Keating Channel itself. But the degree of potential for creating ice jams and causing flooding south of the Keating Channel has the potential, as the deputy has said before, of flooding out an industrial area in which many goodies are contained at the present time. I say that in quotes. If a flood took place, there is a risk not only of physical damage but also of environmental damage.

That is why, in the face of this evidence, we are willing to consider an exemption temporarily to provide a disposal site for the dredgeate to alleviate this problem while the proper environmental process considers alternatives. I am sure the question of deep water dumping will be involved and the question of alternative sites that you mentioned will also be part of the environmental assessment. If the environmental assessment process indicates that this is not a proper method of disposal or a proper location for disposal, the site will be closed down.

**Ms. Bryden:** Among the alternatives could there possibly be an alternative not so closely related to the recreational facility that the Leslie Street spit is going to be developed into? I notice the ministry's own rationale for the establishment of Ontario's provincial water quality objectives, issued in September of last year, talking about swimming and bathing use of water, says this: "Discharge of waste and offensive materials due to land

drainage or due to direct application to the water body must be curtailed or controlled in order to maintain recreational usage."

It seems to me that is something environmental assessment should also be looking at: whether depositing in these containment basins will affect the recreational uses of the Leslie Street spit for bathing and also the bird life and fish life that surround it.

**Mr. Bidell:** The environmental process will consider those things. I would point out to you this is exactly why this other site being talked about has not been available for anybody to put any dredgeate in. Mayor Sewell, who at that time was an alderman of the city of Toronto, was very much opposed to the placement of dredgeate at this other site—I think site N is the identification—precisely because of the proximity of Cherry Beach where recreational activities were going on. There are no recreational activities on the outer part of the spit at this time.

**Ms. Bryden:** People might be fishing.

**Mr. Bidell:** But they are not swimming as they are at Cherry Beach. That is exactly why that site was not available for the temporary placement of this dredgeate until the environmental assessment process could take place.

**Ms. Bryden:** As far as the fear of ice jams is concerned, I am told ice jams can be controlled by monitoring and occasionally breaking them up which most public works departments do when necessary. Is that not true?

**Mr. Bidell:** I am not prepared to talk about the mechanics of how ice jams are treated or removed. Someone more expert than myself should answer that kind of question. We are taking the advice of the experts in this area.

**Ms. Bryden:** I did ask a little earlier but we didn't get down to it: What is in the silt in the Keating Channel that will be dredged up? Do you know what toxic materials are in there? Have you done some recent silt sampling sediment analysis?

**Mr. Bidell:** I would defer to Mr. Macfarlane or Steve Salbach to provide some insight into the question you pose.

**Mr. Salbach:** Steve Salbach, water resources branch. Yes, we do know what is in these sediments. We have been sampling them, as has the federal government. Based on this sampling it has become quite apparent these should not be disposed of in open water.

**Ms. Bryden:** Could you roughly indicate the main toxic materials in them?

**Mr. Salbach:** Ethyl solubles. There is a parameter called per cent loss and ignition, which is an indication of the organic content. There are lead, zinc, phosphorus, some PCBs.

**Ms. Bryden:** There are some PCBs?

**Mr. Salbach:** That is correct.

**Ms. Bryden:** Do you know what levels?

10:20 p.m.

**Mr. Salbach:** The levels are in excess of what we consider acceptable for open lake disposal, that is, in excess of 50 parts per billion, in the range of 100 and 200 parts per billion. It is quite variable. The sediment quality serves to create a layered affair, and it is very difficult to get a homogeneous sample that fits in that range.

**Ms. Bryden:** Is there any danger, when the dredgeate is transported to this site of containment you have chosen, that any of it would get into the water?

**Mr. Salbach:** I suppose the scow is not leakproof, so there will be some losses. Coming back to the monitoring program we talked about earlier, we are monitoring what happens as we are in transit so that we can assess whether there is a problem. Then if there is one, we will shut it down.

**Ms. Bryden:** You have not been too happy in the past with the Toronto Harbour Commission's track record in always maintaining the proper methods to ensure water quality standards are observed. Is that not correct?

**Mr. Salbach:** I believe I was quoted in the papers as having said that and, as has already been said, these comments were based on an experience I had quite a long time ago. It relates not so much to the dredging we are talking about now, but to some of the landfilling that has gone on.

**Ms. Bryden:** Have you recently done water sample surveys in the outer harbour on the north side of the spit where bathing will take place?

**Mr. Salbach:** Yes, the sampling program the ministry has in place includes what we call a daily sampling program, which involves taking samples at some locations in the inner harbour, the outer harbour and in the vicinity of the island water filtration plant intakes. Then, twice weekly we have what we call an intensive program which involves particularly the area around the disposal site, that is, at the north side of the eastern headland. It involves parameters such as the public health parameters to which you

referred in the publication, that is, the bacteriological parameters.

**Ms. Bryden:** Are you satisfied that the level of pollution is not such that you would forbid swimming?

**Mr. Salbach:** I am afraid I do not have the results as yet. These go through our laboratory. I think our primary concern with this whole affair, in the immediate sense, is whether something could move towards the water intake. We have made arrangements to this effect: that any time our crews observe problems in this area, we would immediately contact Metro to make sure they are aware of the problems.

Another point which I think should be made here is that the water filtration plant is not in use. In fact, it will only be in use during what I understand to be low pressure periods. That is probably in the heat of the summer. Whether it will be used at all is actually in question.

**Ms. Bryden:** There is also the eastern water filtration plant at the far end of my riding. If there were any leakage from the containment basin, it would affect the intake for that plant, would it not?

**Mr. Salbach:** It is highly unlikely. First of all, the prevailing movement is west and, if it were to go east, the distance to that filtration plant is such that in my judgement there would not be a problem.

**Ms. Bryden:** Mr. Minister, I would like to sum up on this subject, and we are running out of time anyway: It is still beyond my comprehension why we have to rush ahead on a potential flood danger and not have an environmental assessment first in order to find out exactly what the pollution levels are around the Leslie Street spit, whether any additional pollution should be added to that area, whether fish habitats are affected—I understand your ministry is responsible for the administration of the federal Fisheries Act—and whether bathing, recreation and wildlife will be affected.

We have no real assurance that the storage place will not produce leakage, or that there are not other alternative storage spaces perhaps farther away from a highly populated, recreational area which was built specifically as a sort of aquatic park for the city.

It seems to me that what is of hidden paramountcy in this thing is the concern of the Toronto Harbour Commission to take some silt out of its slips. That, I think, would not cause a great problem, but once you start to take out these toxic substances in the Keating Channel, then you have another problem

on your hands, that is, what to do with those toxic substances.

I cannot see why you have to rush this through, especially when your own ministry has said in the past that the Don River is not a threat as long as it is not stirred up. That was said in September 1978, in a ministry report. Another quote was, "The undisturbed sediments in the Keating Channel do not pose an environmental problem." That is when they are undisturbed.

When you start to disturb them is the time you need your environmental assessment to find out what is going on and what is the best approach, if it does have to be removed. I would hope that the danger would be very thoroughly explored by environmental assessment. I cannot see the reason for devoting \$110,000 in government money this year, plus a hoped-for couple of hundred thousand dollars from Ottawa and some from Metro, to carry out this highly questionable operation that has not been properly assessed. It seems to me this is why the people say the minister is suspect. They cannot count on him to carry out his environmental assessment function.

**Hon. Mr. Parrott:** No, the people did not say that, Ms. Bryden. I said it. I did not say anybody else said it. I will not apologize. I do not want to put those words in anyone else's mouth. If you want to add to it, that is your prerogative. Join the club.

**Ms. Bryden:** No, I just think you are abdicating your responsibilities.

**Hon. Mr. Parrott:** I would say you are suspect in as many things as I am. It is that simple. But let us not try to steal thunder from each other as to who is the more suspect.

**Ms. Bryden:** I just have a couple of other points.

I have here for the ministry a copy of the article to which I referred in the House yesterday, on the destruction of PCBs by hydrothermal decomposition. I do not know whether you have seen the article. It is from Environmental Science and Technology, May 1980. It is about a Japanese research project.

The summary of the article says, "Decomposition of PCBs by dechlorination was studied with a micro autoclave. PCBs were decomposed completely in the presence of methanol and sodium hydroxide solution under hydrothermal conditions at 300 to 320 degrees centigrade and 180 kilograms per centimetre pressure."

Further down, it says, "The decomposed mixture was easily treated with activated



bacteria." Have you heard about this particular research that is going on in Japan?

**Hon. Mr. Parrott:** Who wants to answer that? I do not want you to make a case for going to Japan to see it.

**Mr. Scott:** Five trips to Europe in the last two years.

**Mr. Pitura:** I recall reading something about that, Ms. Bryden, some time ago. It sort of resembles some research work we are funding at the University of Waterloo on the use of sodium as a form of chemical reduction agent. We hope to get that report later this year from the university. Every now and then we read of similar research and development work, but a lot of it is what we call "on the bench" and requires pilot work, scaling up and so on. Usually these things require in the order of five years minimum from an operating facility.

We are looking at other things, as I think has been mentioned here and elsewhere before, such as the plasma arc, the hydrogen-oxygen rocket engine and this chemical reduction I mentioned, as part of the possibilities. This is besides the known technology of today, such as the rotary kiln or cement kiln.

10:30 p.m.

**Ms. Bryden:** I think we should be looking for things that do not have to be in heavily populated areas, that perhaps can be done in smaller units around the province rather than transporting these dangerous substances to a central and heavily populated area where the present rotary kiln you are looking at is located.

**Mr. Pitura:** Yes, we also have been approached by one company that is interested in looking at a portable incinerator and doing precisely what you have just suggested.

**Ms. Bryden:** I have one other question, Mr. Minister. When do you expect to have the next issue of the Hazardous Substances List and Handbook out which was promised for March 1980? The last one was in 1976.

**Hon. Mr. Parrott:** I was ready to tell you when the next issue of our publication containing my speeches, which Mr. Gaunt quoted from so much, would be ready, but I cannot answer that one. Who can I refer that to?

**Mr. Drowley:** The hazardous contaminants handbook has not been rewritten since the last time. What we have done in its place is update our priority list. Mr. Giles talked on that. I believe, Ms. Bryden, we sent you a copy of that update of our priority listing.

**Ms. Bryden:** Yes, you have.

**Mr. Drowley:** Work is going on in place. Quite candidly, this is now one of the functions our new hazardous contaminants coordinator will take under his wing. I think you can realize that trying to compile the data we had in the handbook from the surveys is quite a mammoth task. It has not been done since 1976, but I would suggest that it will most likely be done in the upcoming year.

**Hon. Mr. Parrott:** Did I understand you correctly, Mr. Drowley, when you said the book has not been rewritten since the last time?

**Mr. Drowley:** That is a pretty good statement is it not? I was trying to learn.

Items 1 to 4, inclusive, agreed to.

**Mr. G. I. Miller:** Mr. Chairman, I would like to speak on that.

**Mr. Chairman:** I will give you the time tomorrow morning if you are here at 9:30. I would like to carry this vote tonight but I will give you the opportunity to speak then if you want.

**Mr. G. I. Miller:** I would like to bring to the minister's attention what I wanted to discuss. That is the Haldimand-Norfolk region water system, where it stands, where the contracts are for Jarvis and Hagersville. I would like some information on this.

**Ms. Bryden:** Would that not come up under vote 2103 which is what we intended to do tomorrow anyway? That covers the municipal utilities.

**Mr. G. I. Miller:** Just as long as I can ask questions and get answers.

**Hon. Mr. Parrott:** Yes, we will have that here.

**Mr. McGuigan:** I also have a question on water that I would like to put tomorrow morning.

**Mr. Chairman:** Okay.

Items 5 to 7, inclusive, agreed to.

Vote 2102 agreed to.

**Mr. Chairman:** We agreed that we would start tomorrow morning at 9:30. We have three hours to finish the estimates of this ministry.

**Mr. G. I. Miller:** I would just like to comment on the estimates here tonight. It has been so quiet compared to the storm we went through last Wednesday, and then on Thursday night we hit a bit of a tornado. Tonight things have gone quite smoothly. We did not have any headaches tonight.

Mr. Chairman: The weather cleared up.

Mr. Gaunt: We are in a high pressure zone tonight.

Mr. G. I. Miller: I just wanted to make those comments.

The committee adjourned at 10:34 p.m.

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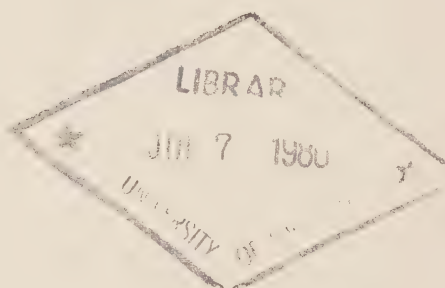
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# Legislature of Ontario Debates

## Official Report (Hansard)

**Standing Committee on Resources Development**  
Estimates, Ministry of the Environment



**Fourth Session, 31st Parliament**  
Wednesday, June 11, 1980

Speaker: Honourable John E. Stokes  
Clerk: Roderick Lewis, QC



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# LEGISLATURE OF ONTARIO

## STANDING COMMITTEE ON RESOURCES DEVELOPMENT

WEDNESDAY, JUNE 11, 1980

The committee met at 9:47 a.m. in committee room No. 2.

### ESTIMATES, MINISTRY OF THE ENVIRONMENT (concluded)

**Ms. Bryden:** Mr. Chairman, before you start, I just wanted to mention that I am tabling with the committee my press release for April 21, 1980, which is excerpts from a speech given at Mount Brydges on the proposed liquid waste disposal site in the Caradoc township. This was to correct some of the conclusions that Mr. Eaton had perhaps drawn from a press report on this meeting and to indicate exactly the subjects that I did deal with in that speech, which were mainly criteria for siting waste disposal sites. There are copies for all members of the committee.

**Mr. Chairman:** Thank you. Mr. Miller.

**Mr. G. I. Miller:** Mr. McGuigan has another committee to go to, so I will defer to him but I would like to save my place.

**Mr. Chairman:** Yes, we will.

**Hon. Mr. Parrott:** Just one point—did you say the site proposed for Caradoc?

**Ms. Bryden:** It was a candidate site in the MacLaren report and the subject of a meeting.

**Hon. Mr. Parrott:** I think it is better to identify that a site identified in the MacLaren report is quite different from being a proposed site. They are a long way from being the same thing. I think the record should show that it is not a proposed site.

**Ms. Bryden:** I agree, Mr. Minister. I think the earlier discussion indicated that what we were talking about was the MacLaren report and the candidate sites.

**Hon. Mr. Parrott:** I thought I heard the words "a proposed site," and I would not want to leave that impression on the record at any time. We just plainly do not know, because if that were true they could say all of those areas were proposed sites, and nothing could be further from the truth,

**Ms. Bryden:** Mr. Minister, I would be glad to correct the record to say candidate site in the MacLaren report.

**Hon. Mr. Parrott:** The candidate listed in the MacLaren report, but anyway, I think the point is made.

On vote 2103, environmental control program:

**Mr. Chairman:** Mr. McGuigan.

**Mr. McGuigan:** Thanks, Mr. Chairman, and I thank my colleague. I have a press report of June 6 that appeared in several local papers, which says Harwich township council has been taking water samples in the area of the present landfill site. These samples were apparently sent to a private lab and the private lab reports that some of the amounts of metal in the water are higher than they should be.

9:50 a.m.

Without trying to prejudge the thing one way or another, I would think it highly unlikely since 1962 that any of these metals got down to the water table in that period of time, unless there is some unknown leak there. There might be an unknown leak. Does the ministry have records from the total area which would give us a picture of the total area? In the absence of records, can you take records from a larger area so that we can draw some conclusions about the water and be able to advise the residents?

**Hon. Mr. Parrott:** Mr. McTavish, would you like to answer?

**Mr. McTavish:** We are aware of the reports that Harwich township has from the consulting firm. We have been attempting to get the reports and we have not had time to assess them yet, but you will find iron and the various metals that were found in the water in any water.

**Mr. McGuigan:** I know all about iron in my own water.

**Mr. McTavish:** We are not certain what level they are reporting and we really cannot comment until we have a chance to review them. Our sampling of wells in the area has not indicated any problem with

unusual concentrations of any of the heavy metals that were reported in the paper, but we are following up on it.

**Hon. Mr. Parrott:** What were the metals?

**Mr. McGuigan:** Traces of mercury and particles of heavy metal.

**Hon. Mr. Parrott:** Do they give no indication of the levels at all?

**Mr. McGuigan:** They say they are higher than those considered tolerable by the ministry. It is not a very definitive report, it is simply a press report, but it has aroused some apprehensions in the local populace and I think we should either confirm or deny it.

**Hon. Mr. Parrott:** How would we be able to confirm or deny?

**Mr. McGuigan:** I know the minister is going to come back and talk about trust, but—

**Hon. Mr. Parrott:** That is another subject.

**Mr. McGuigan:** —I think we should set that aside. This is a pretty serious matter.

**Hon. Mr. Parrott:** Did they want us to take samples?

**Mr. McGuigan:** Obviously, they have not requested you to do so, but in my capacity as representing the area I would like to request you to take the samples.

**Hon. Mr. Parrott:** Mr. McTavish, do you have that information in your office?

**Mr. McTavish:** We have our own well samples that have been taken over the past two years and we have analyses available on those. We do want to get a copy of the report. I do not know what tests they did on the sample to get the results they did. When they talk about trace, I really do not know whether they are talking about parts per trillion, parts per billion or what. We have been attempting to get that information and we are also continuing to sample in our normal manner.

**Hon. Mr. Parrott:** Mr. McGuigan, what do you want the ministry to do?

**Mr. McGuigan:** If you could get your hand on this information that would certainly be helpful. It would also be helpful to—

**Hon. Mr. Parrott:** Could you supply that for us?

**Mr. McGuigan:** I could ask them to supply it.

**Hon. Mr. Parrott:** You do not have it yet, Mr. McTavish?

**Mr. McTavish:** We may have it in our Windsor office now, but we were attempting

to get it the last time I was in contact with that office.

**Hon. Mr. Parrott:** So you want us to look at that report, is that what you are asking?

**Mr. McGuigan:** Yes, and I would also like to have a background report of these findings that have been taken over the years over a wider area.

**Hon. Mr. Parrott:** You would want a comparison between this area and other areas?

**Mr. McGuigan:** Yes.

**Hon. Mr. Parrott:** You want us to do samples of those same wells for the same materials; measure for the same materials and compare those results?

**Mr. McGuigan:** Right.

**Hon. Mr. Parrott:** Having done that, what is the next step?

**Mr. McGuigan:** I would talk to Harwich township.

**Hon. Mr. Parrott:** Do you want us to do that?

**Mr. McGuigan:** I would be glad to do it, either with you or alone.

**Hon. Mr. Parrott:** I would think it would be absolutely essential to have someone from our ministry who knew a great deal about it. I would hate to interpret those levels and those measurements. With respect, I think they are beyond your area of expertise or mine and I really think that should be done at the technical staff level. There is no problem there, Mr. Deputy? Are there any comments you wanted to make?

**Mr. Scott:** No, I would simply say we would like to go over the report. If any of the areas sampled are similar or near the areas we sampled, and there still appears to be a contradiction, we would be more than delighted to resample those areas. Perhaps we could even have a joint sampling arrangement with them to make sure there is no confusion, that the techniques used are the same, that the results are the same. I think we are only too delighted to do anything we can in that area to provide the assurances that are necessary or to provide any evidence that is necessary.

**Mr. McGuigan:** I'll leave it, Mr. McTavish. If you do not get those samples through your present request, then I will come in and try to help with it. I'll leave it with you at present.

**Hon. Mr. Parrott:** Once the sampling is done and the tests are analysed, the interpretation of those is extremely important. I



think we all know there are trace elements of whatever you want to name in almost everyone's water supply, but that is a long way from suggesting that there is any hazard there. That, of course, is the overriding concern here—that the identification of mercury would be misconstrued as a hazard. If it is a background level, and all of us are having those background levels, I think we should clearly set the record very straight that they do not constitute a hazard. They are ones that we are all subject to and that is the risk of being alive. It is a heck of a lot better than the other alternative.

**Mr. McGuigan:** I have a good science background myself.

**Hon. Mr. Parrott:** I appreciate that. I am sure you know it is the interpretation that is extremely important. I am not at all persuaded that we are always served too well in the interpretation. You would agree?

**Mr. McGuigan:** Yes.

**Mr. G. I. Miller:** Mr. Chairman, I would like to switch over to the water intake supply in various areas, particularly in Haldimand-Norfolk. Could we have an updated report on the Haldimand-Norfolk-Nanticoke water supply and the schedules of contracts to supply water to Jarvis and Hagersville?

**Mr. Patterson:** I am Alan Patterson, project co-ordination branch. We have made tremendous progress, in my opinion, with respect to the supply of water to this community. To answer the question in a little detail, all of the facilities are in position at the lake and are capable of producing, treating, storing and pumping three million gallons per day. On the trunk pipeline that is required to supply the water, first of all to Townsend, all of those contracts have been awarded. Work is now under way in the field, pipe has been pre-ordered as have the valves and they are delivered or being delivered in accordance with the contractor's requirements.

That takes us to Townsend. We are very optimistic, given no disruption of labour from the contractor's point of view, and a reasonable bit of good weather which we are anticipating, that we will have the full water supply to bear upon Townsend by October 1, 1980. We further expect—and again contracts are under way and about to be awarded—to put water to Jarvis by Christmas 1980.

The last leg that is required is from Jarvis to Hagersville. Work will be called on that contract, perhaps in December, or January of next year, and our target there, realistically, is lake water to Hagersville by Christmas 1981.

10 a.m.

I am quite confident that those dates can be met. We have had exceptionally good competitive bidding and excellent co-operation from everyone. I hope that answers your question.

**Mr. G. I. Miller:** So the contracts have not been let to Jarvis or Hagersville at this point?

**Mr. Patterson:** There are the two contracts to be let. The plans and specifications for the one to Jarvis are in my office right at the moment. I think I could be a little optimistic and suggest that the contract will be called by mid-July. With the pipe pre-ordered, we will expect to be in Jarvis by Christmas. In Hagersville, as I indicated earlier, those contracts are being actively prepared right now by our consultant. Preliminary drawings have been issued, utilities and highway departments contacted, et cetera, and I fully expect that we will have water in Hagersville by Christmas 1981.

**Mr. G. I. Miller:** I think you are well aware of the concern of the local and existing municipalities that there is a need, particularly in Hagersville—they have had bad water there for many years. I would ask the minister if there is any possible way of speeding that up? It certainly would make the development of Townsend a lot more acceptable to the area if they did not feel that the water line was being used as the lever to bring Townsend on stream. I think it would be much more palatable to the local residents of that low-lying creek if the contract were speeded up to some extent. That may not be possible.

I would like to point out too, Mr. Minister, that Mr. Patterson has been very co-operative. They have been redeveloping Port Dover and he has been very co-operative, as has your ministry, in trying to resolve some of the problems there. I believe they have done extensive work in Port Dover. What is the cost of the project to this point? Do you have any figures on that?

**Mr. Patterson:** Yes, I do. It has been an expensive operation to date, but we are now committed to just a shade under \$20 million.

**Mr. G. I. Miller:** Have all the contracts been let up to this time?

**Mr. Patterson:** All the contracts including the plant, the pumping station, the reservoir, and the contracts that I have just referred to. That would take it right to Hagersville.

**Mr. G. I. Miller:** What is the cost of the line to Hagersville and to Jarvis? Could we have a breakdown on the figures?

**Mr. Patterson:** I have them in front of me. The additional cost to take it to Jarvis is \$800,000. I should give you these including engineering and then that would be a gross cost. The gross cost to take it to Jarvis is \$920,000. To take it to Hagersville, the watermain is \$1,150,000 and the small pumping station required is \$250,000, so the total package on Hagersville is \$1.4 million.

**Mr. G. I. Miller:** Will that be serviced from the water tower? Will there be a water tower required at Jarvis and Hagersville or will that water tower in Townsend service the whole area?

**Mr. Patterson:** No, sir, the water tower at Townsend will be the control point for Jarvis and Townsend. There will be a new tank constructed in Hagersville. We have to re-pump the water into Hagersville. That is the pumping station I referred to.

**Mr. G. I. Miller:** Does the overall cost, the \$20 million, include the line into Stelco and Texaco?

**Mr. Patterson:** It includes the trunk main which goes past the Stelco front door and through the industrial park. We only go that far. It is my understanding that through the region Stelco has had to pay for its own connection to that trunk main. We are just providing the trunk supply facility.

**Mr. G. I. Miller:** That is both the raw line to Stelco and the line to Texaco?

**Mr. Patterson:** The raw facility is another separate arrangement which is covered by an agreement between the ministry and Stelco and Texaco. That is a separate supply main because it is raw chlorinated water.

**Mr. G. I. Miller:** What are Texaco and Stelco paying for water?

**Mr. Patterson:** The total capital cost of that work has been amortized through our treasury office and both industries are repaying that on a 20-year straight line amortization basis, including interest on construction. In addition to that they pay their share of the operating costs associated with the raw pumping facilities at the lake. So there are two elements to their bill.

**Mr. G. I. Miller:** What is the cost to the municipality, and how does that compare with the other water supply areas in the province?

**Mr. Patterson:** Under the provincial water agreement with the regional municipality of Haldimand-Norfolk the rate is 85 cents per 1,000 gallons. The second part of your question relates to how that compares with other municipalities. That is difficult to answer, be-

cause I don't have all the numbers. I suppose the city of London would be a comparable example, or St. Thomas.

May I put it this way, the 85 cents is the wholesale rate the region is charged by us. To that they must add their local distribution costs. I've done this many times and it works out at about \$125 or \$130 per house hold per year. That is comparable to the average price for water in comparable municipalities, in my opinion, but that is a personal judgement. I don't have with me the comparable numbers from, say, London. Maybe Mr. McTavish can remember those numbers.

**Mr. McTavish:** I don't have them. I thought London was lower than that, St. Thomas would be approaching that.

**Mr. G. I. Miller:** Would you say that is the highest cost per 1,000 gallons in the province?

**Mr. Patterson:** Oh, no, sir.

**Mr. G. I. Miller:** I would like a comparison, that's all.

**Hon. Mr. Parrott:** Let me take a guess. If I am too far wrong I will be glad to be corrected. There is a tremendous range. If I had to place you on a scale of one to 100 I would say you are at 60.

**Mr. G. I. Miller:** I did some research on it and I found it may be the other way around. I thought the average was about 50 cents.

**Hon. Mr. Parrott:** Would you like us just to give you three or four communities which are much higher? Would that help your position? We would be glad to do that.

**Mr. G. I. Miller:** I guess what I am getting around to is the basic capacity.

**Hon. Mr. Parrott:** I gave you an overview from my perspective and I am sure a long way from expert on that. Mr. Higham, would you like to put three or four quickly that would reassure Mr. Miller their rates are not the tops?

**Mr. G. I. Miller:** Either that or maybe you could send me a list for verification for all the areas. Would that be a possibility?

**Mr. Higham:** I can read you a few examples. Port Burwell is 179 cents, the township of Emo is 178 cents, township of Moore is 157 cents, Shackleton and Machin 183 cents.

10:10 a.m.

**Hon. Mr. Parrott:** Don't go much further because I will have those people asking me questions.

**Mr. Higham:** It is important to understand that not all of the projects provide the

same service. In some cases they were into primary rates, in some cases secondary treatment and in some cases tertiary treatment. So clearly, between communities there are valid reasons for the wide range in rates.

**Mr. G. I. Miller:** I want to assure the people and have an example to show that they are not paying more than other areas of the province, that is all. We can only be asked to be used fairly. That is all I am concerned about.

**Hon. Mr. Parrott:** May I make a point? I am sure you are well aware of just how much the taxpayers generally contribute to these schemes to keep those rates as low as possible, given there is a tremendous variation. That is why our grants vary all the way from 15 to 75 per cent. The higher the cost, the greater the grant. That is an effort to try to equalize these rates to the best of our ability. We will never get to the point, and I don't think you would propose a flat rate for this province. There will always be a great variation. I hope we satisfied you this morning; you are not at the top of the list but you are certainly not at the bottom. The province, through grants and funding, tries to stabilize them as close as possible to standard rate without ever suggesting we are standardizing to a standard rate. That would be impossible and probably illogical.

Many millions of dollars go for that very purpose each year and your own community is no exception. I think we are talking about grants up to 75 per cent in many of those municipalities, are we not, for water rates?

**Mr. Patterson:** Yes. This particular project is a provincial project which has a government subsidy in addition to that. Since we were involved with the Ministry of Housing with respect to the Townsend project, there has been a \$4.5 million special subsidy by the Ministry of Housing into this particular program.

I can understand Mr. Miller's concern and I could volunteer, Mr. Minister, to send him some comparable rates in the particular area because I know he has this problem with the local people who have enjoyed, frankly, water systems that were built when meat was 25 cents a pound. But that is not the case any more, I am afraid.

**Hon. Mr. Parrott:** There are so many variables in here, Gordon, that it is really tough.

**Mr. G. I. Miller:** Can I give you an example? Jarvis is one of the more reasonable areas as far as water supplies are concerned. The rates there have maybe tripled

since the region has taken over. I think Jarvis water is now maybe the most expensive in the region and that has been a real concern to these people in the area. I just want to have something on record to indicate their rates, compared to other areas, are in line, that's all.

The second concern is whether the intake or the system is built to supply not only that area, but what is the ultimate plan for the system? Will you be supplying Brantford or Kitchener?

**Mr. Patterson:** The latter part, of course, I am not familiar with. I can suggest to you that the intake capacity and the forebay capacity is 450 million imperial gallons per day. From that point on it is just built to supply the foreseeable future requirements, which include the communities we have discussed.

I think it is quite fair and only correct to say there is a great deal of additional capacity in the intake in the forebay, should it be, or when it is, required for those communities to the north, but at the moment I am not aware of any plans to service beyond Hagersville, for instance.

**Mr. G. I. Miller:** Under the present plans, what percentage of the intake will be utilized for, say, Stelco, Stelco industrial park, Townsend, Jarvis Hagersville, Texaco?

**Mr. Patterson:** The raw water agreement in the case of Stelco is for 84 million gallons a day and, in the case of Texaco, six million, giving a total of 90 million gallons a day that is, if you will, reserved or set aside for those two large industries. The foreseeable demand in Townsend, Jarvis and Hagersville is in the order of five million imperial gallons a day. So about 100 million gallons a day is reserved for those communities. The balance is there for whatever purpose it is required in the future.

**Mr. G. I. Miller:** What about the existing small municipalities like Nanticoke, which is sitting right alongside the intake and the water supply and yet it has not been given consideration for the supply to be hooked on to the system? Is there any provision made for that in Nanticoke and perhaps in Selkirk, which is five miles away?

**Mr. Patterson:** Again, Mr. Miller, that would be a regional choice and decision. To my knowledge we have never been requested to look at these two communities nor have we been requested for a service from them. I would say that if it is the wish of the region and if a proper financial arrangement could be worked out the trunk



main is quite capable of servicing those communities. They are very small.

**Mr. G. I. Miller:** Yes, I understand that. Would the line require a tower in order to provide that, or could they be hooked directly on the line?

**Mr. Patterson:** They could be hooked directly to the line by way of a small connection. There would be no need for any special expensive hydraulic structures to be built to accommodate them.

**Mr. G. I. Miller:** What grants would be available? What grants could they expect in order to encourage them in the area? I have made the point several times about the trucking out of Port Dover. Going back two years, 5,000 loads of water a year were being transported, which I estimated at something like two million gallons. It has to be the most expensive way of providing water to individual homes.

Many of them in the area use cisterns, because if they drill for water it is not far from the rock and has a lot of sulphur. I know the ministry must be aware of that and I was wondering if there was any incentive to provide to these small municipalities like Nanticoke, Selkirk, Fisherville, and Cayuga taking their water from the Grand River.

There was some concern about trihalomethanes that were found in the water—I am not exactly sure of the terminology, but I remember two years ago there was some concern. This was brought about by the effluent coming in from Paris, Brantford and the upper part of the river. I wondered what incentives there are to provide water to those areas.

**Mr. Patterson:** Again, I can only answer the question in a general sense. I am not aware that the region wishes to look at these things and I do not know whether it is my job to go out and sell them or not. We have had some discussions with the region on Cayuga. Very frankly, it is my opinion, and I think the region shares this, that the cost of bringing water in from the pipeline to Cayuga, which is something in the order of five or eight miles, would be a really prohibitive operation. Whereas they have a report on the improvements to Cayuga and again, I am taking my direction from them. If they want to discuss that with us, we would be quite happy to outline whatever subsidies are available.

**Hon. Mr. Parrott:** I do not want to cut this off, but given our growth patterns and all the conditions around there I really think

that grants and the speed with which those services are being provided, all things being considered, are really quite commendable. There has been a lot done and there will be a lot more in the immediate future. Also, in a couple of the areas we have to see what time brings, not in the established communities, I am not talking about those communities. A lot has been done in that area.  
10:20 a.m.

**Mr. G. I. Miller:** I am not denying that, Mr. Minister, but I just want to indicate that the supply of water is there. There is a lot being transported. As you say, water lines are not like sewer lines. They can follow the contour. With plastic pipe—

**Hon. Mr. Parrott:** We are not talking about plastic pipe for mains. That is quite a different thing. I agree that with the small distribution systems you can get into that, but if you are going to take a main from Jarvis to Hagersville it has to be a pressurized main, I would venture to guess. Is that not correct?

**Mr. Patterson:** Yes, sir. These are very large mains we are laying—concrete pipe. I think Mr. Miller is speaking of a small line from the trunk to this little community near Nanticoke.

**Hon. Mr. Parrott:** I doubt if even that would be one of those things you just plough in.

**Mr. Patterson:** With due respect, Mr. Minister, for the community of Nanticoke a two-inch plastic line might be more than ample. I am being a little facetious.

**Hon. Mr. Parrott:** A small one.

**Mr. G. I. Miller:** Just because it is a small community, Mr. Patterson, I do not think we can ignore it. They are people like anybody else, and why should they not have a water system?

**Mr. Patterson:** I quite agree.

**Mr. G. I. Miller:** They have to put up with considerable hardship with the industry on all sides of them, and they are in a peculiar position. I do not think we want to forget them just because they are so close.

**Mr. Patterson:** We stand ready to discuss this with Mr. Douglas or Mr. McDowell at any time they want to raise the subject. We will be happy to outline our policies.

**Hon. Mr. Parrott:** I leave you with one rather interesting statistic: 98 per cent of the people in urban communities are on a communal water supply. That is pretty good.

**Mr. G. I. Miller:** That is not a bad record. I am concerned for the two per cent then.

**Hon. Mr. Parrott:** So are we. But just think of the other side of the coin. You know I am always trying to put it forward. It is not a bad record.

**Mr. G. I. Miller:** My final concern is if there would be any possibility and if it would be practical, water being a pretty precious resource—and this might be a little far out—to use it for irrigation purposes?

**Hon. Mr. Parrott:** To grow some good tobacco in Haldimand-Norfolk and Oxford?

**Mr. G. I. Miller:** No, the tobacco is looked after. They do have irrigation and I think they set an example for Ontario by how they utilize their water. Again, we spoke about Norfolk county having been a depressed area. When I was a young guy it was a depressed area of Ontario, but because of the combination of tobacco, a good return on their investment and the fact that they are backed up by irrigation—

**Hon. Mr. Parrott:** And a good government.

**Mr. G. I. Miller:** It started back in Hepburn's day. You took a franchise from it. He was the guy who put electricity into rural Ontario.

**Hon. Mr. Parrott:** Oh, no.

**Mr. G. I. Miller:** When I was only yea high I heard many Conservatives say, "I voted Liberal only once. I voted for him because he put hydro into the rural areas of Ontario." That is the thing he is most noted for.

**Hon. Mr. Parrott:** I agree that you are entitled to one mistake during your life.

**Mr. G. I. Miller:** After 37 years it certainly would not hurt to have some fresh ideas. I think we have them available.

**Hon. Mr. Parrott:** You have only two per cent left to work on.

**Mr. G. I. Miller:** There are other areas I think we could deal with. This is just one. However, I was wondering if it would be possible to irrigate with plastic pipe. You are kind of concerned about the plastic, but look at the tobacco growers. They are utilizing that plastic and rubber hose for their irrigation and they pull it in off a large spool as it moves across the field.

**Hon. Mr. Parrott:** But there are some real differences here.

**Mr. G. I. Miller:** Maybe.

**Hon. Mr. Parrott:** Let me tell you something Mr. Bidell said just now. I was not aware of this, but apparently it is possible for gas, by osmosis, to go through a plastic line full of water. That has to present a bit of a challenge, to say the least.

There is an interesting situation in Jack Riddell's riding where they have used some plastic hoses and helped the farmers take care of problems. We are not averse to that. But it was the township which decided to go that route and it is probably working for them.

We have to recognize that there has to be a certain size of population before it makes sense to go to a communal water supply. I am sure you would agree.

**Mr. G. I. Miller:** What do you think would be the life of a water line—100 years, 200 years? I guess there are water lines in Rome that were built in ancient times and that are still being utilized.

**Hon. Mr. Parrott:** Sure.

**Mr. G. I. Miller:** Once you get the ground-work laid, it is there. We have a tremendous supply of water. While maybe this government doesn't think agriculture is so important, according to the amount of money it set out in the budget to promote it—maybe you feel it is second class—I feel is pretty important to this province.

**Hon. Mr. Parrott:** I am glad you smiled. I was hoping you would.

**Mr. G. I. Miller:** I think a little more priority could be directed that way. This intake is designed for industrial and municipal development, but I say to you, Mr. Minister, it is possible to give guarantees and assurances that the water line be extended for irrigation purposes. Maybe it is not so far-fetched, because we do have an adequate supply. They are using it along the Grand River where they have access to it in Haldimand county and it has been very successful. Again, it is an insurance policy.

Mr. Patterson knows the capacity. I think it was good foresight on the part of the government—I will give the government some credit—that when it built the Niagara generating station it enlarged the intakes to provide for this particular intake. I think it was good foresight. I give you that credit, but I still think we have to harness that now and get a return on it.

If jobs are a real concern and if industry is going to be kept alive—we have to keep our agriculture industry alive. It is perhaps the largest user of raw materials, steel. The New Democratic Party pointed out the other day that we are producing \$200 million worth of equipment here and importing almost \$1 billion worth, and this government really hasn't taken a look at it. It hasn't been concerned about that.

Hon. Mr. Parrott: Are there areas other than tobacco fields that you think need irrigation in Haldimand-Norfolk?

Mr. G. I. Miller: Yes.

Hon. Mr. Parrott: What are they?

Mr. G. I. Miller: I can see it coming. I mentioned the dairy farmers along the Grand River.

Hon. Mr. Parrott: You are talking about a water supply for the animals.

Mr. G. I. Miller: I am talking about irrigating farm land for pasture, second cutting and corn crops.

The other one was at Highway 6, the Boston Creek, which comes out near the Domtar and Canadian Gypsum plants. They have access to the water there and they have irrigated the last two years. They have the equipment. The spinoff effect from that is a big business. You have been through Delhi many times. You can see what is sitting around there. Where do you think all those big rolls of plastic pipe come from?

Hon. Mr. Parrott: I don't know.

Mr. G. I. Miller: I think they come from the United States. Again, they have utilized it.

We have friends in Alberta who wouldn't grow anything if they didn't irrigate, but we have a water system a stone's throw from us and we haven't harnessed it. I think there is a lot of future there. Again, agriculture can stimulate the industry and we can use it to the advantage of Ontario and Canada.

Hon. Mr. Parrott: Don't you think, though, that is quite a different thing from supplying water for human consumption? If we are going to go into those huge volumes, then it should be on a viable basis of cost recovery. Are you suggesting that the Ministry of the Environment be the agency responsible for giving grants for irrigation of farm land?

Mr. G. I. Miller: Together with the Ministry of Agriculture and Foods. There has to be some co-ordination between the two ministries.

Hon. Mr. Parrott: If you want to irrigate, that is fine. Nobody is arguing that. I don't think we need to treat it and do all those things we do for the human water supply.

10:30 a.m.

Mr. G. I. Miller: It is well water we are talking about. You don't need treated water. There are two lines of water coming out of there now. The 18-inch line goes to Texaco. I have been critical about the fact that when they put that in they could have extended it to Jarvis—we are only three miles from Jarvis—but they didn't do that. They put it in

to Texaco, and they have got that plant going. But it is a raw water line. I think there is a four-foot raw water line going into Stelco. Is that not right, Mr. Patterson?

Mr. Patterson: Mr. Minister—I appreciate the time—could I make a suggestion? In the sewage study we are doing in this community we are starting to look very seriously at the utilization of effluent from the sewage lagoon, after treatment, for land application. We feel this is one of the only ways we can go in this community.

Hon. Mr. Parrott: Because of the very small receiving body.

Mr. Patterson: Exactly.

Mr. G. I. Miller: You are talking about Townsend now?

Mr. Patterson: I am talking about your community, Mr. Miller. The trouble is the material is here and the fields are there, and it is a great distance in between. We intend to explore just what Mr. Miller is talking about, not utilizing raw lake water because it is pretty expensive stuff, but properly treated sewage effluent on an agricultural application.

I would like to talk to the farming community because we have some ideas. They are pie in the sky at the moment, but I think it is a route we have to go in this particular community. There are guidelines, as you know. There are no-noes and things to do. Perhaps to assist, in the interest of trying to conclude this part of the questioning, I would be very happy to speak with the farm community and perhaps with Mr. Miller, and some of these things could be organized. I am not saying it is a fait accompli.

Hon. Mr. Parrott: We are talking about different things now, Gordon.

Mr. G. I. Miller: Again, I appreciate that. It is still a new community we are developing, and I think we have an opportunity, before we get it paved over like it is between Toronto and Hamilton. As I have driven down there every day, I have seen the best land in Ontario disappear. We have forgotten about agriculture. Mr. Minister, this happened during the 37 years this government has been in power.

Hon. Mr. Parrott: Listen, we have to separate on this point. The best land is in Oxford—

Mr. G. I. Miller: It isn't better than between Hamilton and Toronto.

Interjections.



**Hon. Mr. Parrott:** Do you want to arbitrate this rather serious discussion? Is the best land in Haldimand-Norfolk, Huron, or Oxford?

**Mr. G. I. Miller:** This government has not paid much attention to agriculture. That is what I am saying. You do come from the finest part of Ontario.

**Hon. Mr. Parrott:** I can't believe you—

**Mr. G. I. Miller:** I agree you come from the finest part of Ontario.

**Mr. Gaunt:** One of the finest.

**Mr. G. I. Miller:** One of the finest. Okay, I am sorry.

**Hon. Mr. Parrott:** Why don't we form a coalition?

**Mr. G. I. Miller:** My colleague from Huron-Bruce has corrected me.

**Hon. Mr. Parrott:** Jack, do you want to add to this?

**Mr. Riddell:** You mentioned Huron, so we had better put Middlesex in.

**Hon. Mr. Parrott:** All right.

**Mr. G. I. Miller:** Mr. Chairman, the final thing I am concerned about in talking about a water system is the York-Durham system. I have a press release here indicating it is a \$300 million project, financed 15 per cent by Ontario subsidy and 16⅓ per cent by a federal community service subsidy. In that investment, what percentage of the capacity is being utilized there?

**Hon. Mr. Parrott:** Right now?

**Mr. G. I. Miller:** Yes.

**Hon. Mr. Parrott:** Mr. Cec Wilson? We have changed subjects abruptly, haven't we?

**Mr. G. I. Miller:** Yes. I think I have covered the area that I wanted, and I appreciate the information I have received on the other matter.

**Mr. C. J. K. Wilson:** The eventual capacity of the York-Durham system is about 850,000 people and 17,000 acres of industrial land. The trunk sewer is built for the ultimate capacity which will be realized somewhere in the next century. As far as the present utilization is concerned, by 1981-82 we expect to have somewhere between 250,000 and 300,000 people utilizing that system. It will depend on growth to what extent it will be utilized on into the next century.

**Mr. G. I. Miller:** So at present you would say you would be using perhaps 10 or 15 per cent of the capacity of the system?

**Mr. C. J. K. Wilson:** I would say at present it would probably be more like 20 to 25 per cent.

**Mr. G. I. Miller:** By 1982?

**Mr. C. J. K. Wilson:** By 1982.

**Mr. G. I. Miller:** I guess we ask about the rate of cost here. What is the cost of water in this system?

**Hon. Mr. Parrott:** We were talking about the York-Durham sewer, I thought.

**Mr. G. I. Miller:** This is strictly sewer. Okay, I stand corrected. This doesn't include water?

**Hon. Mr. Parrott:** No. We have water projects there, but I am trying to make sure we always talk about one specific thing. Mr. Wilson was talking about York-Durham—

**Mr. G. I. Miller:** Sewage treatment. I am looking at the press release. I guess that's what it's talking about. The \$300 million is for the sewage system. Mr. Chairman, that is all I have. Thank you very much.

**Mr. Gaunt:** Mr. Chairman, I noticed on June 2 an article in the paper saying that raw sewage from the Georgian College of Applied Arts and Technology campus has been flowing unchecked into Lake Simcoe for the past seven months because of a mistake in a sewer connection. First of all, I want to know how this could happen. Does your ministry have a handle on that? I understood that when it was discovered a temporary solution was put in place. What was that solution?

**Hon. Mr. Parrott:** I guess Mr. Macfarlane would be best able to discuss this.

**Mr. Macfarlane:** I am the central region director. The temporary solution was to collect the waste and truck it to a sewage treatment plant. The full story behind what was obviously a misconnection has not come forth yet, but it is something we are investigating now and will be reporting on to the minister.

**Mr. Gaunt:** So this is a temporary solution. What do you see as the permanent solution to treat this waste adequately?

**Mr. Macfarlane:** It should have been going into the sanitary system. By whatever cause, it was connected to a storm sewer system. Why it was done, whether it was by human error or whatever reason, is not yet fully reported on. It was intended that it go into the sewage collection system but it obviously didn't.

**Mr. Gaunt:** Is it any great problem to connect it into the sewer system?

**Mr. Macfarlane:** No, it isn't. We really don't understand at this moment why it was misconnected. It certainly was not by any action of this ministry.

**Mr. Gaunt:** But the problem is being investigated and will be corrected in the next few months on a permanent basis?

**Mr. Macfarlane:** Yes, sir.

**Mr. Gaunt:** Okay. I want to pursue the matter of Lake Simcoe for a moment. I want to congratulate the ministry on the government's goal of reducing phosphorus loading in Lake Simcoe to 87 tons a year. That's a good achievement and I commend you for it. I am wondering what has happened with respect to the mayors of Barrie and Orillia. They had some difficulty in terms of the costs they were going to contribute to this proposal. The minister indicated in the House that he was going to meet with them to try to resolve this matter. I am just wondering if that meeting has been held and, if so, what is the result?

**Hon. Mr. Parrott:** I haven't met with them but Mr. Giles has and we have had considerable discussion with the mayors. Perhaps we should let Mr. Giles respond.

10:40 a.m.

**Mr. Giles:** Mr. Chairman, we did have one session at which the mayors were present in which I outlined to the steering committee the total package of government program suggestions to accomplish the objective. As you have indicated, the mayors of Orillia and Barrie felt that, in spite of the increased subsidy we were prepared to make on a one-time basis to help them achieve the 0.3 level of phosphorus, this was not sufficient. So we agreed that we would do some more arithmetic, partly in comparative terms; in other words, we would determine what other people in the basin were actually going to be asked to pay on an individual basis to achieve that objective, because obviously a great many people are involved in other communities such as Newmarket and Aurora. The agricultural community itself is being asked to change its practices under various programs that the Ministry of Agriculture and Food has put forward. The conservation authority will be asked to develop erosion control systems with local areas.

What we are doing right now is attempting to get that information, which will enable us to discuss with the mayors of Barrie and Orillia just exactly what the share program is to the citizens of the basin. When we have done that, we hope we may find that the share we are asking the citizens of Barrie and Orillia to take in order to achieve this better water quality is reasonable.

**Hon. Mr. Parrott:** We see this as a very unique area. If not, obviously, normal grants should apply. It is very important that it be clearly understood by everyone. For a variety of valid reasons, it is a unique area. The province is obviously ready, and has made offers, to consider this a unique area; therefore, very significant additional funding has been proposed.

I think the problem will require more discussion to try to determine the balance between the uniqueness of the area and the normal obligation of a community not to overload the receiving body. Because of the uniqueness, we have admitted we will go a considerable distance in the funding assistance. But how closely we can get together is something I hope we can resolve in the not too distant future. I would hope that both communities, and all those communities that border on Lake Simcoe, would recognize there is a lot of help coming. I hope they will move towards us, and that we will resolve any differences of position on funding. I think we are all agreed on the principle, the need, and the uniqueness, and I do not think anyone is arguing that. It is down to the easy matter of who pays.

**Mr. Gaunt:** Mr. Giles mentioned the special subsidy or special grant. I understood that even with that special grant the cities of Barrie and Orillia would be required to pay about \$1.8 million.

**Mr. Giles:** That is roughly one third of the total cost, as opposed to what it normally would have been, say, two thirds.

**Mr. Gaunt:** Right. So I understood from what Mr. Giles and the minister have said that a system to try to determine the comparable contribution and, hence, the comparable cost, of each area—the agricultural communities, the other urban centres, Barrie, Orillia, and so on—is trying to be achieved so that you get some sort of pro rating in terms of picking up the cost.

**Mr. Giles:** At the meeting it became fairly obvious that various parts of the basin were sort of vying with each other as to how much they were going to be contributing; but nobody really knew because we had not made any calculations at that time. So we agreed that we would analyse the whole proposition on that basis, but not necessarily to say that we would equalize the share, because I am not sure that is even possible. I don't know how you would explicitly identify the costs, for example, of changing practices, to the farming community. But we are going to take a stab at that, because I

think one of the feelings was that perhaps the farming community was not going to be asked to do very much, whereas we feel that it is. We are asking them to reduce their output of phosphorus by 50 per cent. That is not easy to achieve.

**Mr. Gaunt:** Yes. Is there any possibility that the government will contribute more than the 50 per cent indicated?

**Hon. Mr. Parrott:** You ask an extremely difficult question at this moment. I think we need a little more information. I don't think I can commit more funds at the minute. But at the same time I know we have to resolve the problem. I hope that in the next short while we will be able to resolve the problem. We have gone a long way.

**Mr. Gaunt:** I realize that.

**Hon. Mr. Parrott:** It is a very difficult thing to decide what the asset is worth to those communities. This is really where it is at. We know the asset is worth what we are doing, we agree to that. But what is the share of the value of that asset to the municipality, the livelihood it derives from it and all the benefits it derives from it—not because it is unique, but because it is theirs, and they are close to it—as opposed to what every citizen in this province should put into that? We have not resolved that yet. I think we have to say it in those terms. I think we just have to negotiate a bit more.

If you are asking me whether I would give two per cent more to solve the problem, sure, that would be easy. But if you are talking about paying for the total package, no, that would be a long way from easy. I guess there has to be a period of time for both sides to think this thing over and for them to say, "Yes, this asset is close to us and therefore is something to which we have to contribute more." They depend upon that asset a great deal.

One of the things I think also goes into it—I will try to phrase this without being provocative because I don't intend it to be, and I don't think you raised it in that sense—is the difficult fact that the controls necessarily have to be placed. It is easy to talk about the objectives, but not to talk about limiting sizes of growth, which is another real possibility; that is why I wanted to enter into this discussion in a rather delicate way. I don't think any community wants to be told, "Forget it; no more growth." That would be an easy solution, whether it be for the farming community in that area or whether it be for the cities and municipalities. The idea of putting controls on to maintain

that unique asset is one thing; but in sitting down and saying to a municipality, "You are now at X number of people and there will be no more," then, of course, you are putting the cat among the pigeons pretty well.

That, too, has to be considered as part of our discussion. Are we going to go in and say, "No heavier farming, no more industries"? You could control the present levels of phosphorus rather easily if you did that. That is not easy to say or to make stick, and it is not an answer which any of us really wants. But it is another aspect of this thing that we must discuss: the tightening of controls on growth in all sectors. Those are the things which all have to be put into a scale and balanced to come up with a final solution.

It would be pretty easy. The more limited the growth, the fewer the dollars, and then, of course, we might be able to reach the municipalities' concept of what they can afford—but only on the basis of limit of growth. That is a pretty attractive area of this province.

**Mr. Gaunt:** Sure it is. That is why it is so worthwhile to save it.

**Hon. Mr. Parrott:** We agree. But there are so many things to put on the scale.

**Mr. Gaunt:** Conflicting interests.

**Hon. Mr. Parrott:** Yes.

**Mr. Gaunt:** I agree that controlling growth is one aspect, and I don't think it can be, in any stretch of the imagination, the only aspect. But I think it has to be perhaps part of the package as we deal with the hearings.

**Hon. Mr. Parrott:** That is why I think it will take a lot of discussion.

**Mr. Gaunt:** Right. When will the study be completed? I am anxious that there not be a long delay. I think the problem has been there for quite a while.

**Mr. Giles:** That is true, and we have every intention of meeting with them as soon as possible. In fact, at the meeting I said, "before the summer." I guess I was thinking of before July. I hope somebody else was not thinking of before June 22. We hope we will be in that time period.

10:50 a.m.

**Mr. Gaunt:** Right. Perhaps there will be a little more money available from the ministry, too, with which to go to the bargaining table. I am sure Mr. Higham has a few programs in which he can find a little extra. I want to turn now to Hidden Valley. You would be disappointed if I didn't raise Hidden Valley.



**Hon. Mr. Parrott:** Is that in Ontario?

**Mr. Gaunt:** Yes, yes it is. Cells one and two.

**Hon. Mr. Parrott:** Oh yes, now it is starting to come back.

**Mr. Gaunt:** I understand that cells one and two of Hidden Valley are too small to maintain the volume of waste being discharged into these cells. I gather further that cell four is in danger of bursting, so we have a problem there again.

I was encouraged, however, to see one ray of hope in this whole matter. I think the ministry issued a new order in April of this year on that operation. It requested that Mr. Seagram, the owner and operator, conduct engineering studies on these cells by October 31, 1980. I believe the previous order was for July, 1980, so there has been an extension.

The solution or the apparent solution seems to be on the horizon. The owner, or at least the person associated with Running Bear holiday park, another lodge which is reasonably close I gather, has come up with a plan whereby several resort inns in the area could co-operate in building a pipe to their sewage system and have this pipe carry the sewage from the various inns to the tertiary treatment plant operated by the municipality. That held some promise. I thought that was a good solution to the whole matter. The catch is to get them all to co-operate and to pay part of the prorated costs.

I understand Mr. Seagram also has a 50 per cent interest in Highland Hamlet Inn, which is another one of the inns which would be connecting into the pipe. Apparently they were supposed to hold a meeting on June 6 to see if they could come to some sort of agreement on this whole matter. Where does that plan sit at the moment? Have they achieved some kind of agreement? If so, who is going to pay what? I think it was suggested that the ministry may pay 15 to 20 per cent of the cost. The expected cost is something in the neighbourhood of \$1 million.

**Hon. Mr. Parrott:** I want Mr. Macfarlane to answer in detail, but my understanding at the moment is that we certainly haven't reached agreement. That pipe is a good idea. It is not going to happen tomorrow and so there are immediate problems that demand solutions.

**Mr. Gaunt:** I am sorry, they haven't reached an agreement?

**Hon. Mr. Parrott:** Not to the best of my knowledge. I could be wrong, I wasn't at that meeting, but that was my understanding

of that meeting. Mr. Macfarlane, am I slightly in error there or is that correct?

**Mr. Macfarlane:** It is correct, Mr. Minister. The situation is this: There is a proposal, as you rightly point out, by a developer who wants to join with others and produce a pipe which will take the sewage from the Seagram operation at the Holiday Inn and other resort hotels in the area, plus Running Bear, and pipe the effluent to the Huntsville sewage treatment plant. This has a great deal of appeal for us. It sounds like an excellent proposal. We don't know for sure if the proposal will go ahead.

We are in the position of having to make sure that no matter what happens, whether the proposal proceeds or not, the Holiday Inn question is resolved in a sanitary and proper way this year. Irrespective of whether Running Bear proceeds or not, the ministry is insisting that the Holiday Inn question be resolved properly by October of this year. None the less, it is a very persuasive proposal from our point of view and we would like to ensure that all parties involved are urged towards that as a resolution so we may put this matter to rest to everybody's satisfaction once and for all.

**Mr. Gaunt:** It would certainly solve—I'm sorry, Mr. Macfarlane.

**Mr. Macfarlane:** The dilemma at the moment is that the bird in the hand for us is the resolution of what is at the Holiday Inn right now and by October, and the two birds in the bush are the Running Bear development and the pipes to Huntsville. It isn't a reality at the moment, but is a very persuasive means of resolving the matter for us.

**Hon. Mr. Parrott:** One other item, if I might, I want to stress that our goal is not whether it is a pipeline or the local sewage lagoon treatment system. Our goal is to make sure that the effluents are to our standards, of course, and to the best of my knowledge the effluent from the lagoon system right now is as good as or exceeds that which the plant in Huntsville emits into the same body of water. Is it the same body?

**Mr. Macfarlane:** No it is not the same body of water. It is not in the same place in the system.

**Hon. Mr. Parrott:** But it is in the same system.

**Mr. Macfarlane:** That is right.

**Hon. Mr. Parrott:** That being the case, I co-ordinating role to try to bring these parties together and keep them together until I think we have reached that point, but what

is still not totally resolved is the security of the walls, et cetera, and the construction of the lagoon. That is what we want to insist upon. We have reached the quality of effluent, but now we have to make sure we don't have any untoward events that might allow a premature emission into the lake.

**Mr. Gaunt:** It certainly would solve the discharge problem into Fairy Lake which has confronted the ministry from time to time. I realize the effluent is now reasonable and adequate, but we have had problems from time to time.

**Hon. Mr. Parrott:** I should know this. I thought Fairy Lake emptied into the same system as the Huntsville plant—

**Mr. Macfarlane:** It is the same water system.

**Hon. Mr. Parrott:** It is a different lake, but not that far away, and it empties into the same stream eventually.

**Mr. Gaunt:** Is cell four in as bad a shape as indicated?

**Mr. Macfarlane:** Are you talking about structurally, the wall itself?

**Mr. Gaunt:** Yes. Is the thing going to burst?

**Mr. Macfarlane:** It is doubtful if it will burst, but none the less we are insisting that the whole system be scrutinized by engineers who are expert in the matter of soils mechanics for the berms, and that is happening. A company called Geocon (1975) Limited, a highly reputable soils mechanics company, is dealing with this question, and the question of the whole sanitary treatment of the liquids as well.

What we are looking to is a much more professional management system for the whole of the Holiday Inn water effluent, and that includes not only the water itself but the soil berms. This has been reviewed by the president of Geocon himself. I am a great deal happier with what has been happening in the last few months than we were. It has had this professionalism about it, which I think the whole thing lacked in the past.

**Mr. Gaunt:** So the purpose of your engineering studies is to get this sorted out and determine if cells one and two, which are small, and cell four, are adequate?

**Mr. Macfarlane:** The purpose is to ensure they are adequate in the engineering sense and are maintained at that degree of management skill. After whatever remedial work is done, which has to be done by the engineers, the report is continued into the future.

**Mr. Gaunt:** Is the ministry playing any co-ordinating role to try to bring these parties together and keep them together until there is some kind of resolution to this problem?

**Hon. Mr. Parrott:** Not the engineering problem, you are talking about the various—

**Mr. Gaunt:** No, I am switching a little on to the pipe now. Have you assumed any co-ordinating role in that?

**Mr. Macfarlane:** To some extent we have. For example, we did attend the meeting you referred to, which at one stage was cancelled and then reconvened. We attended that meeting. We believe it is in our best interest to maintain a very strong presence, because it would seem to resolve a number of questions that are in the people's minds, and to resolve them to the satisfaction of the community as well as ourselves, so we are taking quite a strong role in this question.

11 a.m.

**Mr. Gaunt:** Have you indicated to them what the ministry is prepared to contribute financially?

**Mr. Macfarlane:** Only to the district municipality. The district municipality is aware of the basic 15 per cent that is associated with development works. Other than that, there have been no further meetings in depth. This meeting that we refer to happened only about 10 days ago or thereabouts, so there hasn't really been any time to take it much further subsequently.

**Mr. Gaunt:** Is the \$1 million total a good ball-park figure?

**Mr. Macfarlane:** It sounds in the right field. I can recollect that the estimated cost of taking the effluent from Holiday Inn alone to Huntsville was of the order of \$800,000 to \$900,000, so it sounds as if the \$1 million and a bit figure is in the right ball park.

**Mr. Gaunt:** I hope it goes ahead.

**Mr. Macfarlane:** We hope so too, sir.

**Mr. Gaunt:** I want to switch now to a matter having to do with Woodstock, in the minister's own area. It concerns the wells that are polluted by chemicals leaching from the privately controlled dump. I think it was operated by Denby and Sons Sanitation Company.

As I understand it, in 1971 the ministry called that dump unsatisfactory, but it was granted provisional operating certificates until September 1977. There have been some continuing problems, as the minister well knows, with the water quality in that area. In 1976, the water from the wells was de-

scribed as coffee-coloured and horrible-tasting, and I think it contained all sorts of things. If one were to drink it, it would turn one's hair curly—or so it is reported.

Mr. Chairman: It would have a hard time curling mine.

Mr. Riddell: If it will make it grow I think I will go down to Woodstock and use some of the water.

Mr. Chairman: Same here. Let me know, Jack.

Mr. Gaunt: They do have a problem. It has been identified that there are phenol groups of chemicals in the water. Sodium levels were 29 times higher; chloride, eight to 84 times higher than should normally be the case. All in all, it has been a bit of a bad situation for the residents. Many have had to draw water and so on.

I am wondering what the ministry feels in terms of putting in a new pipeline. I gather the ministry agreed to pay 55 per cent of putting in a new water line to those residents. I guess my question is, does the ministry not feel a greater sense of responsibility under the conditions I have described?

Hon. Mr. Parrott: Are you serious?

Mr. Gaunt: Yes.

Hon. Mr. Parrott: Holy jumping—I don't know any place where I am so sure that the ministry has done its job as there. As the member—now I take my hat off—I am totally unhappy with the length of time it has taken for that water to get to those residents, but the fault sure can't be laid at the doorstep of the ministry. I won't claim the credit for that as it was started prior to my day as minister. But two years to decide how it was going to be done after the financing was arranged is unacceptable in my mind.

I have convened meetings, both as the minister, just after I was appointed, and as the member, to try to speed the thing up, but it was certainly not at the doorstep of the ministry. That is water under the bridge. It certainly wasn't the minister's fault and I will give you chapter and verse right from day one on it. The contract has been let and they are now going to join into that line in the very near future, so the problem is now resolved as far as those residents are concerned.

I feel extremely sorry for them, as a member and as a friend. Several of them are good friends. They have had to deal with this problem for four years. It has taken far too long, but never because of red tape at government level. I don't think anyone even questioned the amount of fund-

ing we supplied. It was generous, given the responsibilities that lie outside of the ministry.

I don't know how far you want to go on this discussion. It is now within a few months of being completed. The contract is let and I think they have started on the work. I could be wrong on that.

Mr. Gaunt: Where was the roadblock? At the local level?

Hon. Mr. Parrott: Sure; who owned what? These were the things involved. The only municipality that had a communal system was Woodstock some few thousand yards away, a policy not to extend services, the municipality of southwest Oxford not wanting to assume any responsibility of running a new service. There was the idea that drilling another well was not the logical thing to do, so it required an extension of service, and the ownership of that service was with the public utilities commission.

The simple matter was there were too many cooks in the kitchen, all legitimate cooks. Woodstock PUC had a right to have its policy. It was endorsed by city council. The county, by definition, is charged with the responsibility. But they do not have the facility to own and operate a system. The township, although it was intimately involved, certainly did not have the expertise. By the time those four parties were brought together it took forever. In the meantime, seven homes went without water.

No one questioned the quality of the water; it was terrible. No one questioned that the dump should be closed, and it was. Never once did the ministry drag its feet on offering help. That was offered in the first instance. It has been increased from a different policy some two years ago. The increase was from 15 to 55 per cent.

Mr. Eaton: Did the member talk the minister into it?

Hon. Mr. Parrott: It wasn't difficult to do, Mr. Eaton. Frankly, I think changing policies helped too. I really think it was a lack of being able to identify someone who had to do it. As the minister I couldn't say to Woodstock that it had to do it. It was technically the county but they had no facilities. Then we had to bargain with the city; it was sympathetic but by policy it sure did not want its services to go out there. I don't even disagree with that policy. I helped formulate it in 1960. So there was a conflict of policies and that is where the roadblocks came, not at ministry level.



**Mr. Gaunt:** The only thing that concerned me was that the site was closed in September 1977 but many of the ministry recommendations were not implemented. For instance a clay cap with grass planted on it has not been installed over the site. There was a homemade chemical collection system which occasionally overflowed with a greenish liquid sludge, which was contrary to what the ministry wanted. Those were things that concerned me. That is why I asked the question whether the ministry felt a greater responsibility.

**Hon. Mr. Parrott:** There were a lot of things reported about that site that are not necessarily correct. I don't know which one you are reading about, but one of the articles said it was still being used. It was a site that was closed and when I asked what it was, it consisted of some manure and brush. It had nothing to do with municipal waste; it was mostly brush. Yet the inference was clearly left that the municipalities were still using it.

11:10 a.m.

It was a year or so ago that kind of thing came out. It was hardly correct. There has been a lot of interesting publicity on it. I don't know whether Mr. McTavish wants to talk a little bit about how well that site is closed or not. It was privately owned and then ownership was transferred—again another illustration of too many cooks in the kitchen. The original owner, Denby, has sold it to someone, hasn't he?

**Mr. McTavish:** I think it has been sold. I don't know who the new owner is.

**Hon. Mr. Parrott:** We know there are no new wells being contaminated. We have assessed the other areas well. They are not being contaminated. It was a lousy place for a site, period. No one is more apt to say that than the minister. Until we have more and more policy regulations to help us we were watching something not operating the way we would like. But I must say, it hasn't exactly made the problem of Oxford county solid waste go away. We are at a real crisis in that county. I believe the county is in a very difficult position with solid waste. They will have to make a decision in the immediate future.

**Mr. Gaunt:** So the residents will have clean water by the fall?

**Hon. Mr. Parrott:** The residents will have clean water this year. When was the contract to be let?

**Mr. McTavish:** The tender was closed May 27. I don't think it is a big construction job,

but I don't know the date it is to be completed.

**Hon. Mr. Parrott:** My guess is it is 1,700 feet—something like that. It is less than a \$100,000 job. I can't imagine they won't be hooked up to water at this time.

Another interesting factor is that people between where the site is and where the city is—and there are a fair number of them—don't want to hook up. That presents a problem to the local officials. They don't want to force people with good working wells to join that pipe, so it means a very poor return on their invested dollar. There are a lot of problems associated with it. I am not saying it was all the fault of any one individual at any one level of government. It was because there were just too many—that was the first thing—and no one lead person to whom we could say "You must do that."

**Mr. Gaunt:** Are the polluted wells still being tested?

**Mr. McTavish:** Yes, they are still being tested and the level of pollutants has gone down. In fact, many of the wells now meet the objective of our water quality criteria. So it has been dissipating since the site has been closed and not in service.

**Hon. Mr. Parrott:** But the press would lead you to believe the other—that it was an expanding program—and that's not correct.

**Mr. Gaunt:** I was quoting from an article in the *Toronto Star*, May 25, 1980.

**Hon. Mr. Parrott:** That article had a particularly interesting spot in that paper.

**Mr. Gaunt:** I marked several.

**Hon. Mr. Parrott:** No, not the comments. It was a real concern for me. I don't know why they do this, but there it was sitting right beneath a huge story on the Love Canal. They are not quite one and the same. Here is something getting markedly better.

**Mr. Gaunt:** There is a last point I want to raise while Mr. McTavish is here. I alluded to it last night with respect to herbicide and pesticide cans used by the farm community, basically. I think Mr. Eaton suggested these things should be collected at a central depot and dealt with some way, by collecting them and disposing of them in an acceptable landfill site, I presume.

**Mr. G. I. Miller:** Could the plastic cans being utilized now be recycled, if they were handled carefully?

**Mr. Eaton:** They are not all plastic.

**Mr. G. I. Miller:** This year, from what I have seen in our pickup, it was all plastic.

**Hon. Mr. Parrott:** You don't mean recycled so much as flushed out and reused?

**Mr. G. I. Miller:** Reused is what I mean, yes.

**Hon. Mr. Parrott:** Rather than crushed. As I understand it, most of those, if they are properly flushed, can be used for other materials, not necessarily for carrying water you are going to drink, but they could still become a useful container.

**Mr. Gaunt:** But in the meantime, Mr. McTavish, I gather many landfill sites rejected these containers because they are hazardous. They have simply refused to take them.

**Mr. McTavish:** In the last month we have had a number of people calling complaining they are no longer able to take these containers to certain landfill sites. To date, we have been able to help most of them in finding a site to take them. It may be a little further. I know the McCague site, for instance—the St. Thomas sanitary landfill site—in London is still able to accept, they claim, a limited amount of them. I guess they do not want to be flooded. We have not reached a situation where there is no place for them to go yet. But it is correct that some owners of landfill sites, municipal and private, are refusing to accept these products.

**Mr. Gaunt:** It was suggested they should be rinsed, punctured, crushed and buried at least 18 inches in the soil. That would be an acceptable method of private disposal by the farmer.

**Mr. McTavish:** A small scale arrangement, yes. Perhaps Doug Wilson could speak better to it.

**Mr. D. W. Wilson:** That, in fact, is suggested in our Pesticides Act and regulations. I think you will find it is a requirement of the federal Pest Control Products Act that those containers not be reused, that they be destroyed.

**Hon. Mr. Parrott:** Not be reused for any other purpose?

**Mr. D. W. Wilson:** You cannot guarantee they will be properly rinsed and cleansed, and that they will not be misused by someone else to carry water or feed. It is actually on the label that they are not to be reused. They are to be made un reusable before disposal.

**Mr. Gaunt:** Would it not be possible to return those containers to the chemical companies for reuse for their own product and to avoid this problem of reusing them for other purposes, which I can see could present a danger? Could there not be a system

developed whereby the containers go back to the chemical companies whence they came?

**Mr. D. W. Wilson:** They say this is basically very hard to do because one grower, for instance, may deal with 12 companies with four different types of packaging. The number of stations and separations would be a mess. One way they have been moving it at advantage is bulk supply of pesticides in a permanent tank on farms. It has been tried with three or four products in high use, Vorlex, for instance, in the tobacco industry. It is shipped in a gasoline truck. It is a much better tank and there is no five-gallon pail with 45-gallon drums to dispose of. That is the way they would like to proceed. I sympathize with trying to segregate every company's product. A farmer might use 10 or 15 companies' products.

**Mr. Gaunt:** Have you given any thought to a central depot collection system whereby these things can be collected centrally and then disposed of?

**Mr. McTavish:** To date we have not had to go to that extreme. We have not given thought to trying to establish a centre in our area yet.

**Mr. Gaunt:** The dimensions of the problem are not serious enough yet for you to consider that?

**Hon. Mr. Parrott:** I learned something here this morning, and I was pleased to do so. If you cannot reuse them, and that is what I am hearing, what is the point of going to all the trouble of taking them back to a central area? Why would they not be disposed of around the province rather than a central area? Does that not seem like a lot of work?

**Mr. Eaton:** That discussion came up when I was talking to Doug Wilson before. It is not necessarily central for the province but for an area. We had about three or four sites that would not take them—we talked with one farmer about Tricil—whereas Sarnia was still taking them. It would not be practical for one farmer to haul it from Dorchester up to Sarnia, but, if there was some place where they could be assembled and all go to that one site within a three or four town area, that might work. If there are no places where they can be taken within a reasonable distance, it would not work.

**Mr. Gaunt:** If landfill sites are rejecting them and farmers have such a volume that they cannot dispose of them privately, then what do they do with them? That is the problem.

**Hon. Mr. Parrott:** You are proposing the dealer would be charged with the responsibility of receiving them and returning them to some location?

**Mr. Eaton:** He did not necessarily say that. We were discussing one spot they could be taken to. You said the McCague site is taking some of them in our area. That is not too far away, but, if he was not taking them we would not have anything closer than Sarnia.

11:20 a.m.

**Mr. McTavish:** What we are considering would be a transfer station.

**Mr. Eaton:** Yes, a type of transfer station.

**Mr. McTavish:** I guess the problem is not so evident that we need to go into considering things like that at this time.

**Mr. Gaunt:** Okay. Thank you, Mr. Chairman.

**Ms. Bryden:** Under industrial abatement, as far as pollution control at Inco Limited is concerned, our views were fairly well stated in our brief to the public meeting in Sudbury. I am sure the minister has a copy of that so I will not go into our views on the proposed control order. I am sure the ministry will study them in detail.

Having attended that public meeting myself to observe the public participation process on this control order, I must say I did not really feel it was an adequate opportunity for the citizens of Ontario to have a say in that control order, or in the protection of their environment from acid rain, since it was advertised only in the Sudbury area. I did not see more than two or three province-wide environmental groups sending representatives there to present briefs. Pollution Probe did not appear. Canadian Environmental Law Association did not appear. The shortness of the notice, and of the deadlines, were reasons why those groups did not appear. I saw no one from Muskoka or the Haliburton area who identified themselves as such, or even individual citizens from Toronto. None of them spoke.

Questions on the briefs that were presented were called for at 10:45 p.m. after almost four hours of what I would call simply an exercise in the reading of briefs. In most cases, copies were not available to the public so their opportunities to cross-examine the claims of the briefs, or to ask questions on some of the statements, were very limited. It is difficult to combine the presentation of briefs and the cross-examination in one evening.

Would the minister not consider further meetings, both in Sudbury and somewhere in southern Ontario, to allow citizens the opportunity, after they have studied the briefs that were presented and any additional briefs that have been filed with the minister, to challenge the statements in the briefs and to indicate whether they think the control order can be strengthened and whether they think it will adequately protect their environment? Is that not a necessary part of this public participation process?

**Hon. Mr. Parrott:** We have had a meeting in Muskoka.

**Ms. Bryden:** But not on the control order.

**Hon. Mr. Parrott:** On anything they wanted to talk about.

**Ms. Bryden:** Was the control order submitted to the people there? Did they have copies of it?

**Hon. Mr. Parrott:** Yes. They were handed out along with three reports we had.

**Ms. Bryden:** But just at the meeting. They had no opportunity to study them beforehand. The meeting had not been advertised as a meeting on the control order, had it?

**Hon. Mr. Parrott:** Not on the control order, but Muskoka wanted to know the total details of not only the order but the studies as well. The whole matter was reviewed at some length. Having agreed to that, we also agreed to meet with the main principals of the acid conference. My ministry has been requested to visit Haliburton. We are prepared to do so. A date has not been established but Tom Brydges has been out half a dozen times speaking about our studies. That will invariably deal with the control order.

We are not thinking the debate is finished. It will be an ongoing debate and that is fair enough. This control order is not the final document. We all know it is only the first step. There will be all kinds of opportunity for more participation. That is why we are establishing citizen representation in regard to the final control order. I think we lose sight of that over and over again. There will be not only ourselves on that task force but also the private sector.

I think you will accept a pretty valid representation from the private sector. It's not going to be a huge committee. It is not going to have 20 from the private sector by any stretch of the imagination, but there will be fine representatives from the private sector to look at the ongoing needs of that control order. We think that is by far the most significant thing we are doing at this



time, the ongoing dialogue and the commitment to the lowest possible level.

Those are the things that really should be viewed from your perspective, that there is sufficient time and there will be. That kind of notice has been given. We are not asking that task force to report for a year or a year and a half. I don't know whether they are going to hold formal hearings around the province or not. They are certainly going to take all of the briefs and all of the studies available to try to come up with the final definition of the resolution.

Ms. Bryden: You say it won't report for a year. So it obviously cannot report on the proposed Inco control order. It seems to me these are two separate public participation processes.

Hon. Mr. Parrott: I think you should all understand that the control order is only the start. It's not the finish. Somehow or other control orders seem to be regarded as being the end of the line. On this one we are making it very clear it's the beginning, not the end; another major step.

Ms. Bryden: The minister is always saying that his ministry represents the general public at these hearings. Why did his ministry officials not cross-examine Inco's claims at the hearing?

Hon. Mr. Parrott: At this hearing?

Ms. Bryden: Yes.

Hon. Mr. Parrott: That wasn't the purpose of the meeting. We were attempting to allow various segments of society to put forward their views, the public, of course, included. As you know, the range was like 180 degrees a day, everything from far too tough to far too easy. Very responsible people made those comments, so there was certainly no unanimous decision that it was either too tough or too easy. The purpose of that meeting was to dispense the information to as wide a circulation as we could get and let people comment. It wasn't to be a definitive meeting on the control order per se.

Ms. Bryden: My point is, should there not have been a follow-up meeting to give people an opportunity to discuss the briefs they heard that night?

Hon. Mr. Parrott: Sure. We will be doing that. We will be having other meetings, not that control order likely, but on the whole matter of control orders with Inco. That was not the last chance for people to make comments. I think it was just the beginning.

Ms. Bryden: Then what you are saying is there will be no further public meetings on this particular control order?

Hon. Mr. Parrott: No, because I think we have to get on with that job and get that done. It is the first step in a large package.

Ms. Bryden: How was the meeting in Muskoka advertised and who was invited to it?

Hon. Mr. Parrott: It was at the request of the local member to meet the regional council. It was well advertised in the sense that there were an awful lot of media people there. They certainly knew about it and they told the constituents of the area.

Ms. Bryden: But it was not advertised to the general public?

Hon. Mr. Parrott: Not with a paid advertisement put in the local newspaper, no, but it was well known. There were citizens who came. They listened with great patience. We did a press interview afterwards and then made ourselves available for any questions from the public and there were very few.

Ms. Bryden: Was the cottage owners' association notified of the meeting?

Hon. Mr. Parrott: By letter from us?

Ms. Bryden: Yes.

Hon. Mr. Parrott: It wasn't my meeting to arrange. I went there as their guest. I will go to any other place, time permitting, to do the same thing. I think the consensus was that Dr. Brydges did an absolutely fantastic job that night in illustrating so many points and it was well covered. But if somebody else wants the same meeting, we will do it over again. Dr. Brydges has been around so many places, doing similar things. We were in a position that night to take the broader view perhaps. Dr. Brydges is obviously the expert on these studies but we could give a real review of policy with the deputy minister assisting. It seemed to cover all the points that those people were interested in knowing.

11:30 a.m.

Ms. Bryden: I have heard Dr. Brydges' presentations and I think they are very fine and very comprehensive on the subject of acid rain.

Hon. Mr. Parrott: Isn't that what we need, Marion, a lot of those meetings?

Ms. Bryden: We would need them as well as an opportunity to comment on the control order and have input on its—

Hon. Mr. Parrott: Think of the opportunities you personally have had as the critic to comment on control orders and on the whole subject matter. No one would ever suggest there's been a limit to discussion. We have been here. We have had the companies here. This committee has been pretty signifi-

cant in its dealings. There have been delegations. I don't know what more we could do than has been done.

I guess the only thing, and I repeat and repeat this, is that if this was the final order and it was all finished, then I would have to say on that one order there hasn't been sufficient done, but it isn't. It's the start and you have had your report. You have made all these recommendations and obviously we have taken some of them. Others we are not yet ready to deal with because more information is required. You will have plenty of opportunity to talk about acidic precipitation and control orders on Inco. Don't see your day as having been lost or your opportunity gone.

Ms. Bryden: I hope the general public will also have many more opportunities. Mr. Minister, I mentioned last week a study done for the Environmental Assessment Board called Public Participation Program Proposals. It was printed by the assessment board in February, 1978. I don't know whether you recall it, but it does have a lot of proposals for more detailed public participation in environmental hearings of the board. A control order is a special case. It's not an assessment hearing under the Environmental Assessment Act; it's under the Environmental Protection Act but I think a lot of the recommendations in there could apply. Do you recall that particular publication?

Hon. Mr. Parrott: No, I can't say I could discuss it very intelligently at this moment. I am not going to hide behind the date on it but it's not one that I have reviewed recently and it was obviously before my time. However, I am sure there are others here who might want to comment. Are there specific questions you have?

Ms. Bryden: There are a lot of recommendations, including the suggestion that they should do a pilot project on public funding, but perhaps the minister should have an opportunity to study the report before he comments on it.

Hon. Mr. Parrott: What would you like me to do? Get back to you and comment on it later, or would you like to talk to someone here who may have a greater knowledge of it?

Ms. Bryden: I think perhaps later, Mr. Minister. We don't have very much time left and I think one of my colleagues wants to get on later. I have a couple of other points perhaps we could move on to.

Hon. Mr. Parrott: Okay.

Ms. Bryden: In my leadoff I mentioned that outside of Inco, as one of the major producers of sulphur dioxide, the next large group of producers of both sulphur dioxide and nitrogen oxides was the Hydro coal-fired plants around the province, of which there are five I understand.

Hon. Mr. Parrott: Before you get to that, I just grabbed this paper. We won't spend any time on it but it's interesting because we have spent so much time on it during our estimates here. It is about the choice of options to improve hearings. I have just quickly scanned it and zeroed in on that. It was fairly obvious that people wanted more money for research and preparation. We agree on that.

Ms. Bryden: But you haven't made it available.

Hon. Mr. Parrott: With regard to reimbursed public expenses, it is a very low percentage like six or seven per cent, I believe, if I am reading it correctly. That is all that thought it was necessary, only a very small percentage. That is where we disagree. As far as reimbursing public expenses is concerned, only 6.2 per cent from this total sample and only 7.4 per cent from a selected sample supported that; whereas six or seven times as many supported funding for research and preparation.

That is kind of interesting because I think it follows our present policy. You caught me off guard this morning because I did not know this, but it gives a lot of credibility to the position we presently hold.

Ms. Bryden: You are not funding research now.

Hon. Mr. Parrott: No, no. That is the point. We will.

Ms. Bryden: You will?

Hon. Mr. Parrott: We are talking about if there is more need for knowledge in those hearings. The research is basically done by the proponent. If there is a void, then the Environmental Assessment Board has the right to get that witness. Surely that is research. We are not talking about basic research on hydrology or something of that nature. That is outside of the discussion. It is the process itself.

Ms. Bryden: I think the question was, should the intervenor groups also have money for research for their briefs?

Hon. Mr. Parrott: That is sure not, on first glance, what I saw as the results. A very small percentage thought public ex-

penses should be reimbursed. That is an interesting point that quickly came to light here.

**Ms. Bryden:** It depends on your definition of "public expenses," what the questioner thought that meant.

**Hon. Mr. Parrott:** I interrupted you. I am sorry.

**Ms. Bryden:** Could we go on to Ontario Hydro? Five coal-fired Hydro plants—Nanticoke, Lambton, Lakeview, Lennox and Hearn—produce a total of at least 5,000 tons of sulphur dioxide, as well as considerable nitrogen oxides. I asked the minister in my leadoff if he had obtained from Hydro cost estimates and feasibility studies for installing scrubbers and other abatement measures to reduce the substantial emissions from these five coal-fired plants in Ontario. Have you obtained such studies for all of them, or any of them?

**Mr. Drowley:** We are working with Hydro on this. It is our understanding that they will be producing a report to their management some time early this summer which we will have the opportunity to review. Having said that, I think in all fairness I should say they are not just looking at the scrubbing system. They are attempting to look at the Hydro systems as a whole, as a complete system, in order to evaluate all the options they have available to reduce emissions of both sulphur dioxide and nitrogen oxides.

I think I should also say that at Nanticoke they have built a coal mixing plant in which they are blending low-sulphur coal from western Canada with their supply from the United States, and they estimate that they should be able to reduce their emissions by about 35 per cent from this method alone. They are also experimenting with a low nox burner in that area.

They are studying the problem. We think progress is being made, but we will be in a better position to assess their total package later this summer.

**Ms. Bryden:** Does the total package cover all five plants that I mentioned?

**Mr. Drowley:** It covers their complete system. It will be a complete look at hydraulic power, nuclear power and thermal generation—anything that produces electricity, really.

**Ms. Bryden:** Will it also cover Atikokan, which is not built yet, the proposed 400-megawatt plant there?

**Mr. Drowley:** As far as I know, it will. That is part of their system.

**Ms. Bryden:** Do you expect the report this summer?

**Mr. Drowley:** Some time early this summer.

**Ms. Bryden:** Hydro is not under a control order or requirement to produce this material, is it?

**Mr. Drowley:** No, but as I said we have, in our formal relations with them, discussed this with them. They have assured us they are doing it and we will have this report made available to us. I don't think we need to issue a control order to get the report, not at this stage of the game anyway.

11:40 a.m.

**Ms. Bryden:** Mr. Minister, will you make this report available to the opposition critics if the House is not sitting, and to the House if it is sitting?

**Hon. Mr. Parrott:** Every week or four days I send you a huge hunk of reports.

**Ms. Bryden:** Yes. I have always said the ministry never has refused me information.

**Hon. Mr. Parrott:** We are not changing our policy. I wonder if you read them all, I really honestly do, because I do read some of those reports and some of them are terribly statistical in nature. If you read them all, you deserve a medal. There is no change in policy.

**Ms. Bryden:** Also in my leadoff, I asked about the minister's reaction to Ontario Hydro's proposal to the Porter Royal Commission on Electric Power Planning in April 1979 that there be an amendment to the Environmental Assessment Act to give Ontario Hydro applications special status, you might call it, in order to relieve it of the obligation to repeatedly review overall energy policy when environmental assessments are held, and in order "to ensure consistency with energy policy." Has the minister a position on that suggestion by Hydro that it should have special status in environmental hearings?

**Hon. Mr. Parrott:** Hydro has agreed that it be subject to the act. The project that is of immediate interest is the line underneath Lake Erie. It has willingly been accepted as a project under the Environmental Assessment Act, and that was Hydro's willing position, not a position it was forced to take. I think they see themselves as subject to the act, the same as any other provincial authority.

**Ms. Bryden:** You are not contemplating an amendment, as they proposed in their brief to the Porter commission, relieving



them of the obligation to review overall energy policy. That would really get you into the question of alternatives which, under the Environmental Assessment Act, have to be considered.

**Hon. Mr. Parrott:** I don't know how far that really goes, that review of policy. Are you saying that if they propose to put that line under the lake they have to review whether they are going to supply it from a nuclear or a fossil fuel source? Is that what you are asking for?

**Ms. Bryden:** No. I think the question is the future need for electrical energy generally. That should be considered part of the equation as to whether that project is needed.

**Hon. Mr. Parrott:** As I understand it, there is not much coming down the pike in the near future as to a new facility. I don't know if that question necessarily has to be asked. Mr. Deputy?

**Mr. Scott:** I just wanted to say that first, of course, Hydro has to go to the National Energy Board, so it is a touch premature for us to get too involved at this stage in the Lake Erie situation. I think a lot of those matters have to be discussed openly with the National Energy Board before the extent of our involvement can be properly determined.

**Ms. Bryden:** Mr. Minister, you say Hydro has indicated willingness to come under the act on this Lake Erie matter. Why is Darlington still excluded from the act since its construction start has been postponed and since there would still be time for an environmental assessment on it?

**Hon. Mr. Parrott:** I think you would agree, so much of that is done. Granted, construction is not a fait accompli, but surely we are well past the time when the Environmental Assessment Act can logically and appropriately be applied to that project? I think we have gone past that point of no return. You and I might differ on that, but a dozen ministers have been asked that in a dozen ways and we have all responded the same way.

**Ms. Bryden:** It was only recently, during the last year, that they postponed the start of construction.

**Hon. Mr. Parrott:** Let me assure you that the present government policy—and I say that without any doubt, as I am sure the Premier (Mr. Davis) has answered, I am sure that the Minister of Energy (Mr. Welch) has, and I think you have tried in several places to suggest that it should apply—is that it is now sufficiently advanced that it really would

not suit the terms of reference if the Environmental Assessment Act was to be applied to that project. I do not think there is any reason for the government to change its mind in this regard. You can disagree as long and as often as you like, but, since we think it should be applied right in the early stages, and since those are past, we have made a government decision that it will not apply. I don't know what more I can tell you.

**Mr. Eaton:** Mr. Chairman, on a point of order: I thought we were talking about the solution to water disposal and abatement, not about environmental hearing matters. We went through this some time before.

**Mr. Chairman:** This environmental control program is pretty broad.

**Mr. Eaton:** An environmental hearing as to whether you have a nuclear plant?

**Ms. Bryden:** Another area of waste disposal which I think does come under municipal waste and utilities is the question of Ajax. On all the other waste disposal proposals, the minister has assured us that there would be full environmental assessment; in the Ajax case, it is under the Environmental Protection Act, as most sewage and water plants are, but this is not a sewage and water plant.

While, at the time the hearings started, municipal projects were not covered by the Environmental Assessment Act, the minister managed to bring the Redhill Creek Highway under that act by designations. He may say the difference between Redhill Creek and Ajax is that the region asked for it in the case of Redhill Creek, while the region of Durham did not ask for environmental assessment. However, one can understand why they did not, because they are one of the proponents and I presume they preferred the narrower act, that is, the Environmental Protection Act, in order to have less need to discuss alternatives and things like that.

While the region did not ask for it, many citizens' groups and many chamber of commerce and development groups asked that it be under the Environmental Assessment Act. Even the town of Ajax, if you will recall, wrote a letter to Premier Davis saying that there was "deep concern and dismay over the apparent lack of regard for the public hearing process."

In another paragraph, it says, "and further, that the Premier of Ontario and the minister be requested to clarify their position and reaffirm their commitment to the people of Ajax that the proposal will receive fair and unbiased judgement."

There were substantial groups in that area which were concerned that the hearing process being used in Ajax was not as broad as they would like, and who even had some feeling that it was somewhat biased, with the minister acting almost as a proponent in the case.

Would it not be better to bring that hearing under the Environmental Assessment Act and start with a fresh sheet on it, so as to remove these suspicions and make people feel that there is an adequate hearing on that case?

**Hon. Mr. Parrott:** Ms. Bryden, I am happy to talk about it again, but we have talked about this many times. Here we are, with a decision having been made, and we both know we just disagree. To talk about it now seems to me to be very counter-productive. We are halfway through the hearing process.

**Ms. Bryden:** Why is Ajax different from Redhill Creek, for example, which was extended the benefit of the Environmental Assessment Act by designation?

11:50 a.m.

**Hon. Mr. Parrott:** Why are they different? I think it is for a simple reason. Surely no one in this province questions my dedication to the Environmental Assessment Act? Until recently, we did not have the authority to say to municipalities, "You must do it." We will have that authority now.

When you do an assessment of my term of office, maybe that is one of the things about which you might say, "Yes, it did move forward." Ministers do have those rights to say they will stay in the closet or they will come out. Surely you will be somewhat supportive of the fact that during my term that did become a reality. It is now a fact of life. I did not have that power back then.

**Ms. Bryden:** You had the power to declare it under the Environmental Assessment Act.

**Hon. Mr. Parrott:** That is right. I did. But you know my policy was to try to persuade the people to go to that act, and I still think that was the right approach. I think there were valid reasons for me not to put Ajax under the act by my authority. I can be judged on that. As to Redhill Creek, I think you know that a lot of time was spent on it last year at the estimates. It occurred seven or eight months ago. It is not a year ago by any stretch of the imagination. I took a lot of interest in that, did a lot of negotiating and I think concluded it successfully so that it is under the act. It was done by negotiations, and that is, fundamentally, how I believe in doing business.

As you know, I get a little annoyed at times; I try on other occasions to persuade. In this instance a valid case was made, in my opinion, for that project being under the act. It was asked at least to look at it; I did. I had to sell my cabinet colleagues on it. I had to sell the regional municipalities to some degree. All of those negotiations went on very pleasantly and we wound up with Redhill Creek under the Environmental Assessment Act. So that should be one for the good guys.

You are saying I did not do the same thing in Ajax, and that is right. But there were different times and different circumstances. I think, quite frankly—as you know, I am biased, I am suspect—that on both occasions the right thing was done.

**Ms. Bryden:** But different conclusions were arrived at.

**Hon. Mr. Parrott:** Different conclusions, yes. Different strokes for different people, it is that simple. A different situation prevailed. We were really well in advance at Redhill Creek. I could not in my own mind, after seeing it, seeing the terrain and knowing the circumstances, believe that we were not at the very early stages of that proposal and that the act could apply. As you recall, the east-west artery does not come under the act. You could have said the east-west artery should be under the act. I think it was too far down the tube to apply the act logically and sensibly to that section of it, so we didn't. We did not even try to persuade the region.

I feel the same thing was true of the Ajax proposal. It was just too far into the conceptual stage, literally, to apply the act.

**Ms. Bryden:** It is very difficult to explain to the citizens of Ajax that—

**Hon. Mr. Parrott:** Oh, there are quite a few citizens of Ajax who took the other side. Talk to a few others besides those in Ajax. It is convenient to quote Ajax, but let me quote the region. How did they feel about it?

**Ms. Bryden:** They were proponents.

**Hon. Mr. Parrott:** And which act did they want? They, too, represent a large number of people. They very much wanted the Environmental Protection Act.

**Ms. Bryden:** That is true, but I think the proponent has a special interest in seeing that the application is moved through very quickly.

**Hon. Mr. Parrott:** But they are making a great effort to do it. I have to give testimony right now that that community is one of the lights at the end of the tunnel. I think the municipal and regional representatives

deserve a lot of credit for wanting to be part of the overall solution to waste problems here. I think they deserve a lot of credit for having brought this initiative to us. The initiative came from them, and they deserve all the praise. I think I had to work in a spirit of co-operation with them. That is why it is another world of factors; all of those go into the mixture and you come up with a decision. You and I might have come up with a different decision. But the one thing I must persist in is that I don't think you and I differ, and I don't think you can be unduly critical of how far we have advanced from your point of view on applying the act.

**Ms. Bryden:** I quite agree that the minister has indicated he is extending environmental assessment to new projects. Some of these ones that are almost new are—

**Hon. Mr. Parrott:** Would you not agree that an awful lot of people in the municipal world disagree with having the act apply? Surely on this pleasant morning you accept that it isn't all a winner for the Minister of the Environment to say that the act applies? I happen to believe in it; I think it should apply. But I don't think you and I are naive enough to believe there aren't many people out there who would have preferred another decision on my part.

**Ms. Bryden:** I agree; I think it is nice to have the act finally extended to municipalities on certain terms and conditions and certain exemptions. But still it is generally—

**Hon. Mr. Parrott:** Some pretty reasonable and sensible ones—and that has taken a lot of consultation. How many times have I been to the Provincial-Municipal Liaison Committee? Many times. I think that is the way governments have to move. I tend to be a bit impatient on occasion—I guess all of us do. But in this instance I think it is absolutely essential that we negotiated and had their co-operation. I did not want the government to be seen as the guy with the big stick coming down and saying they were going to get it whether they liked it or not. They have to be willing partners. I think it is necessary to sell them, to try to co-operate with them.

Just this morning before I came here I read some briefs of the Association of Municipalities of Ontario—excellent briefs on how it thinks we should go forward from this point. We are going to listen to them. They are very valuable briefs. But let us look at which direction we are going. We both know we are going down the road that you and I both would go.

**Ms. Bryden:** The next step is to extend it to the private sector. We have had five years' experience now with the act. Most of the projects that have been covered have been fairly minimal in importance.

**Hon. Mr. Parrott:** I would hate not to think you and I would not have some area that you could not be critical of. I leave that for a little while because it will give you a centre to focus on.

**Ms. Bryden:** It will give you an objective for the next step. I want you to achieve the municipal step—

**Hon. Mr. Parrott:** I want to get it working very smoothly first.

**Ms. Bryden:** This is an individual case: I am not going to go into the details but I just wanted to get the minister's reaction as to where this individual can go for assistance. It is the case of a Mrs. Clark on Finch Avenue East in Pickering. She has evidence that construction of a York-Durham trunk sewer in front of her property has caused very substantial flooding of her property. This has caused her water supply to become polluted to the level where it is a health hazard. She has tried every level of government possible to get some sort of relief. She is a citizen who has reached the feeling that you can't beat city hall, or government at any level, or get any action when you have a problem of this sort of divided jurisdiction.

I gather that the engineering work for the trunk sewer was done to a considerable extent by the ministry. Am I correct in that?

**Hon. Mr. Parrott:** By consultants.

**Ms. Bryden:** For the ministry. But the sewer is being built by the ministry and then charged back to the municipalities?

**Hon. Mr. Parrott:** That is fair.

**Ms. Bryden:** She apparently was told that her recourse is to the regional government, because it runs the sewage system, but she hasn't been able to get any action from them either. There is no Ombudsman coverage for a region that does not act. Possibly she could try the Ombudsman for the failure of the ministry to act.

**Hon. Mr. Parrott:** I thought we had resolved this to some degree. Mr. Wilson, would you comment on it? It is vague in my memory, but I do recall some correspondence.

**Mr. C. J. K. Wilson:** I am not sure how up to date Ms. Bryden's information is on the Clark problem. It has existed for quite a while. There are two sides of the problem. One was flooding of her lot and at times there



was lack of water in the well. There seems to be a little bit of contradiction, but it did exist. Many studies and much consideration has been given to this problem of Mrs. Clark on Finch Avenue. Generally speaking her whole lot is very low lying, about three or four feet lower than the road in front of her house. The drainage in the area is not the best and during periods of high rainfall there is excessive water on her lot. Added to this, the septic tank is in the front garden and the front garden is constantly wet.

## 12 noon

We have not been able to make a direct connection between Mrs. Clark's problems and the construction of the sewer on Finch Avenue. Discussions have taken place with the regional municipality, the officers in the municipality and the staff. On June 9 the regional municipality said it was going to try to improve the drainage ditch in front of Mrs. Clark's property. That decision was made about two months ago, but there was frost on the ground at that time and they could not do it. The next month there was a lack of available sod but I was promised that they were going to do it on June 9. I have not checked to see if it was done. We anticipate that would improve the drainage in Mrs. Clark's area. But it is a low-lying area. There has been evidence from a resident who lived there for the last 40 years that it always has been wet in that section.

One of the consequences of the high water table is that the well at Mrs. Clark's property and the two next door are inclined to be polluted because of the surface water going into the well. The sewer in front of Mrs. Clark's property is about 20 feet deep and we have found no connection between her problem and the construction of the sewer.

**Ms. Bryden:** You do not think it has increased the amount of water lying on her land? I presume there was water before but—

**Mr. C. J. K. Wilson:** We discussed this, as I say, about six weeks ago and having looked at all sides and knowing that Mrs. Clark had a lot of problems, we did say there might be some very small doubt as to our involvement in maybe taking away from the drainage in the area. That, of course, would be only on an interim basis, not a permanent situation.

However, because of her inconvenience, because of the fact that her furnace went out of action when her basement was flooded, we said we would help in providing a water service to her property. That water service involves connection to the main, which is about \$750, and a connection from the main to her

house and the plumbing inside. I gather that she was quite willing to pay for the cost of the water service from the main to her house and the plumbing inside if we provided the connection at the street line, and we agreed to do that. That connection, I believe, has been made by the region of Durham. We have not received the bill for it yet.

**Ms. Bryden:** My staff was in touch with her about three weeks ago and it had not been—

**Mr. C. J. K. Wilson:** I think a fair amount has happened in the last three weeks. Whereas she has a water service it may not completely relieve her of the flooding problem. But that is a natural result of the location of her house. I think it always has been a flooding problem.

**Ms. Bryden:** If she feels that it is due to the sewer, I suppose she always has the right of action against the ministry.

**Mr. C. J. K. Wilson:** That is true, but I think it would be extremely difficult to prove. We realize that too, and we have tried to do all possible to accept any small shade of doubt there might be that our action might have increased her problem of flooding. But we did not initially cause the flood.

**Ms. Bryden:** I gather she did without a potable water supply for a good number of months as a result of either the flooding or the septic tank being improperly placed—presumably the ministry has to approve septic tanks or the region does—so I guess it is partly the length of time it has taken to get some action on this that has caused her frustration.

**Hon. Mr. Parrott:** Has that septic tank been in there for a long time?

**Ms. Bryden:** I think it has been, but presumably it was approved by some municipal or provincial authority, was it not?

**Mr. C. J. K. Wilson:** Mrs. Clark told me she has known that house since she was a little girl. She did not live in it, but she knew it from the time she was a little girl. I do not know when the septic tank was installed, but I would think that it was probably 15 to 20 years ago.

**Ms. Bryden:** I think that is part of the problem causing the well pollution.

**Mr. C. J. K. Wilson:** Yes, I believe so. It was aggravated by the fact they had a new baby, and the health authorities advised her there was some indication of nitrates in the water and advised her not to use it.

**Ms. Bryden:** I guess it is mainly the frustration she expressed at the length of time it took and the number of jurisdictions that she had to go to. I think we should take steps to make the facilities and her adjustment as prompt as possible.

**Hon. Mr. Parrott:** I hear that we have, or somebody has. Are you satisfied with what you hear this morning?

**Ms. Bryden:** It certainly sounds as if the problem has been solved as far as the water supply goes. It has not been solved as far as the excess water on the land is concerned. It is not established whose responsibility that is.

**Hon. Mr. Parrott:** I will speak to God tonight.

**Ms. Bryden:** Thank you, Mr. Minister.

I have just one more subject on which I would like to spend a little time and I think Mr. Wildman would like about 10 minutes. I don't know whether other members wanted to get on—

**Mr. Eaton:** To be fair, Mr. Chairman, we talk about sharing time at these committees, but here the Liberals had it all morning until about 11:15; Ms. Bryden has had the floor for 45 minutes, and she talks about Mr. Wildman coming up.

**Ms. Bryden:** If other members have questions I would be willing to yield, except that I think Mr. Wildman would like 10 minutes or so.

**Mr. Eaton:** That's too bad. Some of us have been here all morning—

**Ms. Bryden:** The Liberals had an hour and a half.

**Mr. Eaton:** Some of us have been here all morning too.

**Ms. Bryden:** The NDP has had only 45 minutes.

**Mr. Eaton:** Only? If we look at the time we have taken in this committee, I bet you we have not taken a half an hour of it in total.

**Mr. Chairman:** Let's try to finish the business.

**Ms. Bryden:** I will skip my final comments.

**Mr. Chairman:** Mr. Riddell.

**Mr. Riddell:** Thank you, Mr. Chairman. I will be very brief.

I had to sit with tongue in cheek as the NDP critic was talking about the proposed project in Ajax. My good colleague Jim McGuigan and I had occasion to attend one of the concerned citizens' meetings where there were 1,000 in attendance. I noted there were

two NDP members who came to the meeting, stayed long enough to be given recognition from the chair and then disappeared. My good friend Jimmy and I sat through the whole meeting. I just thought that was worth passing mention.

**Mr. Eaton:** Repeat it, they are back in the room, Jack.

**Hon. Mr. Parrott:** I think they heard. Jack has a good voice.

**Mr. Riddell:** Reinforcing, Mr. Minister, all the accolades that are poured on you from time to time, I would just like to say that I appreciate the co-operation that I and the people I represent have received from you and your ministry staff for the various projects that have been started and completed in my riding.

I know that since I was elected in 1973, the sewage works in Zurich have become operational. We have started other projects, some of which have been completed. I refer to the waterworks in Nairn in East Williams township, the water and sewage works in Ailsa Craig and Parkhill, and the water line through Stephen and Hay townships, which includes Dashwood. I might say the farmers are very pleased to have been able to tap in and get water. There is also the sewage works in Hensall and Seaforth, the waterworks in Biddulph—and I am thinking now of Granton—and the sewage works in Lucan.

My constituents remark from time to time that they believe there has been more accomplished since 1973 than there was during the tenure of my predecessor, good old Charlie MacNaughton. We all admit, of course, that Charlie had very great responsibilities as minister in the various portfolios which he held during his terms of office.

I just want to say that there are some good works done by the ministry and I would not want the minister to go away thinking that we are against him in all respects.

**Hon. Mr. Parrott:** I very much appreciate that, I quite seriously do.

12:10 p.m.

**Mr. Riddell:** Now, Mr. Minister—

**Hon. Mr. Parrott:** Is that the good news? Jack is a very fair guy. He is going to give equal time.

**Mr. Riddell:**—judging from the mail and the communication which I have with people all over the province, I would say one of the greatest concerns today is the fear that people seem to have about the safety and continued use of 2,4-D. I would think the minister could make himself a hero

of the farmers if he was to somehow allay their fears and if he was to join in with the federal Minister of Agriculture in making some kind of a statement. I would just like to read the kind of statement that he made just the other day:

"Agriculture Minister Eugene Whelan today expressed concern over recent media reports that may have caused unjustified fears over the safety of the widely used herbicide 2,4-D. 'There is no question concerning the safety of 2,4-D for the purposes for which it is licensed,' Mr. Whelan said. 'If there were any doubts we wouldn't allow it to be used.'

"Agriculture Canada assumes federal responsibility for evaluation and licensing of such products. Extensive studies of 2,4-D have shown that no dangers are associated with its proper use. 'Recent statements, many of which stem from the controversy over the use of weedkiller in the Okanagan Lake system of British Columbia, have caused unwanted concerns,' Mr. Whelan said.

"All these alarmist statements about the safety of 2,4-D and its alleged links with birth defects directly contradict the assessment of government experts whose careers are dedicated to assuring the safety of human health as well as environmental quality.' The minister noted that although some studies have been interpreted to show that under laboratory conditions 2,4-D can cause birth defects in certain test animals if doses are high enough and are repeated, there is no realistic risk of this occurring under practical conditions.

"These tests, which were designed to find out what level of exposure will actually cause harm, simply serve to reassure us that the present registered uses of 2,4-D in Canada are safe. If a boat is tested and sinks with a load of 1,000 kilograms, it is hardly evidence that it will sink with a load of 10 kilograms. Several reports have also confused 2,4-D with another herbicide known as 2,4,5-T, a contaminant which is known to cause birth defects in test animals, but 2,4-D and 2,4,5-T are distinctly different compounds and the contaminant does not occur in 2,4-D.

"I am very concerned that some critics, whose comments are not soundly based on fact and scientific opinion, may lead to actions that will be very costly to the public, not only in material terms and loss of income but also in the lowering of the quality of life. Weedkillers and other agricultural chemicals are an essential part of Canadian farming if we are to continue to

provide enough food for Canadians at a reasonable cost."

That was the statement Eugene Whelan made and I would hope that the minister would follow up with some kind of statement to allay the fears of the farmers. I think part of the fear in Ontario stems from the fact that the Metro Toronto parks department has banned the use of 2,4-D in the parks. The herbicide is used there for cosmetic reasons, whereas the farmer uses it for economic reasons.

The farmers are fearful that the environmentalists are going to put a lot of pressure on the minister, as I am sure they did with the use of 2,4,5-T. I might say there were some farmers who were not very happy about the ban on 2,4,5-T, because the fact of the matter is there really is not a substitute for 2,4,5-T that will do the job of killing the brush.

It seems to me there is a chemical on the market that has a chloride with it but you have to spray it at just the right time if it is to work, whereas 2,4,5-T would work at any time. But 2,4,5-T has been banned and we hope we can come up with a suitable replacement. I simply want to caution the minister before he takes such steps with the use of 2,4-D because, as my friend Jim McGuigan said, if we ban that it is going to take something like a million people to hoe the corn crop. If people are concerned about food in Ontario, or in Canada for that matter, they had better have second thoughts before they put a lot of pressure on the ministry to ban 2,4-D.

I hope to get the minister to allay the fears of the farmers who are contacting me and saying: "Look, what is going on? Are we not going to be allowed to use herbicides or pesticides in the future? What is going to happen to the farming industry?"

I would think, with an election coming on, Mr. Minister, you could solidify your position in Oxford if you were to make some kind of statement that you have no intention of banning 2,4-D.

**Hon. Mr. Parrott:** That last sentence really captured my attention. May I see that statement please? I think there are some things that need repeating there. This one in particular, "There is no question concerning the safety of 2,4-D for the purposes for which it is licensed."

There is another one about the proper licensing and handling and application. I thought there was a stronger statement, but I can't see it quickly. I guess I am condi-



tioned to that line, "Where it is properly applied." That has always been of paramount importance. Any of these pesticides, we have always said, are appropriately applied by direction and use. On that basis, we certainly agree.

I met just recently with the Pesticides Advisory Committee. We want to be able to say two things; one, we can be assured there is that degree of safety and caution that you, too, want and as your federal minister has said; two, I understand the importance of that to the farm community. I cannot imagine us not having a herbicide in the farm community. I just cannot imagine that. I don't know if that is as strong as you want me to say it, but it is essential to our wellbeing as a society right now and to our agricultural production.

I would not argue with anything you have said this morning. What I would like, however, is to assure you we understand and accept what you are saying. It is equally important that those who want the balanced view will stand and be counted at the appropriate time.

I think, Jack, from your kind words, and I accept those, you know this position can be pretty lonely on occasion. You take a position and although you have a lot of support for a particular position you cannot get it verbalized; you cannot get it out where it really matters. Not to labour the point about being suspect, but you need some other people saying some of these things. Even Eugene Whelan would be suspect because he is representing the agricultural community, but the issue is much broader and much more important to our society.

We need groups like the Ontario Medical Association being counted on occasion; a balanced view in our society. It is frequently not done. When you see someone being hammered on a particular issue it is easy to remain quiet. I am certainly not looking at you in this instance. You have stated your case frequently and I give you full marks for having done so.

What we desperately need now, in these debates that centre around environmental concerns—and where there is so much emotion associated with those debates—is to have people who are respected in their communities and in society come forward and put the balanced view. That is what I plead for so often. I hope it does not come through as a plea from a personal point of view. It is far bigger than that, because we opened this discussion on a very serious note.

As you reply to those concerned, I hope you will simply say this: "I fully accept and appreciate the value of herbicides to the well-being of our society and I cannot imagine us operating without them." I want to stress the importance of their proper application, as I am sure you do. We must do that.

**12:20 p.m.**

The last thing I think you should say to them is: "You cannot get a balanced view from the public, if you allow yourselves to stand silently by."

**Mr. Riddell:** I appreciate the—

**Ms. Bryden:** Mr. Chairman, on a point of order: I thought I was yielding to Mr. Eaton, and Mr. Wildman has not had an opportunity. We are running out of time and—

**Mr. Chairman:** Neither has Mr. Eaton.

**Ms. Bryden:** I know, but the Liberals had an hour and a half before Mr. Riddell got on. It seems to me those other two members must have an opportunity, even if we have to sit beyond 12:30.

**Mr. Gaunt:** On the point of order, we didn't get going until 9:50, so if we finish at 12:50 we still have 30 minutes.

**Mr. Riddell:** Let me wind up, Mr. Minister, by saying I appreciate your consideration. I think you are dealing with probably the toughest ministry there is right now in government. We are living in an age where environmentalists are becoming most conscious of the environment in which they are living, as all people are, and rightfully so, but I sometimes think we can overdo it.

I think you realize the position I am in. I know during the discussions on 2,4,5-T I remained relatively quiet, although I was sending you some of my own comments on a more personal basis. But we are dealing with a different compound here. It has been tested for more than 25 years. They have fed it to pregnant rats and probably to everything they could possibly feed it to, to find out whether there was any carryover in the body, whether it did affect the system at all. They have proved that has not been the case.

I did meet with the Canadian Agricultural Chemicals Association, and the people there tell me there has been a request made that they continue to test this product. Any idea who would have made that request?

**Mr. Gaunt:** The Environmental Protection Agency.

**Hon. Mr. Parrott:** You are right, Murray, we have met with them too in a formal

way. Some of the comments we were making this morning would relate to them. It is absolutely essential that what we have been talking about occurs. We would like to continue to test.

Our advisory committee knows full well that under no circumstances, if it is humanly possible, do I want to be caught short on the scientific data. They know I want the most definitive statement it is possible to have to this point, and that is all any of us can do. Tomorrow the world will change, but we operate on what is known to this moment. They have been asked for that and I am sure I will receive that information.

I appreciate the comments you have made and I accept that they should be heard and listened to. I wish, now that we have this subject open, I could hear the comments of the New Democratic Party critic. I have heard yours and likely Mr. Gaunt's acceptance, which is probably as close to a formal statement on 2,4-D from the Liberal caucus as I am likely to receive. I am not trying to put words in your mouth. I know Jack has the privilege of speaking as the member. I could be wrong on that, but I would assume at this moment in time I am not likely to hear that the Liberal caucus wants 2,4-D banned.

Mr. Riddell: I am not trying to put words in the mouth of our critic either, but I think his stand is that—

Mr. Gaunt: You don't have to. I stand with my agriculture critic in terms of the value of 2,4-D to the agricultural community and its safety, based on the scientific knowledge we have now.

Hon. Mr. Parrott: To this moment in time. So we are all in agreement.

Mr. Wildman: Mr. Chairman, from my own point of view, and I am not speaking for my critic, I would agree with what Mr. Gaunt just said. I will say, however, that there has been a lot of concern raised in northern Ontario with regard to the spraying of 2,4-D on rights of way by the Ministry of Transportation and Communications and by Ontario Hydro and other utility companies like Great Lakes Power Corporation Limited.

Hon. Mr. Parrott: Using 2,4-D?

Mr. Wildman: Among the general public—with regard simply to the fact that in northern Ontario, and maybe this is true in southern Ontario too, one of the main recreations of the general public is picking blueberries on rights of way—there is some concern as to what, if any, might be the long-

term effects. I think it would be most useful if we were to continue serious scientific examination, and I think Mr. Gaunt would agree with that.

While it is very important that a herbicide be available to the agricultural community for use as intended, there have been those concerns brought to my attention, as a member representing an area that has a hell of a lot of highways and rights of way in it—bad as they are—that I should raise that matter quite honestly and frankly with you.

Hon. Mr. Parrott: Nobody wants the book to be closed on research and knowledge. Nobody wants that. But all I think I heard this morning was a plea that we make those decisions judged on the best knowledge to this moment in time. At that time, I think the federal Minister of Agriculture said it very well, particularly in relation to the agricultural community, and particularly as far as the proper application is concerned. You don't want it spread indiscriminately any more than I do. It would be wrong to have that inferred.

Mr. Riddell: I don't think it is sprayed on crops indiscriminately. With the cost of pesticides today, you can rest assured that farmers are going to use the very minimum they can get by with. I just can't see farmers indiscriminately spraying the stuff on crops. But I'm not going to take up any more time. I want to thank you, Mr. Minister.

Hon. Mr. Parrott: Thank you for your comments.

Ms. Bryden: Could I make one comment?

I haven't discussed the question with our agricultural critic, but my understanding is that 2,4-D used on the farm, under conditions prescribed by the manufacturer and with care in application, is fairly safe, as long as the farmer knows what he is handling and handles it carefully. Our concern is whether 2,4-D will be used in schoolyards and public parks and on camp sites.

Mr. Wildman: By the Ministry of Natural Resources too.

Ms. Bryden: And as the member for Algoma mentioned, on rights of way, where people will be picking berries or children will be playing. I think we have to look very carefully at those uses and perhaps consider whether it should be allowed in those areas. I would like the minister to consider that very carefully. But I don't think anybody is suggesting there should be an overall ban on its use for agricultural purposes.

Mr. Eaton: Mr. Chairman, I concur with what Mr. Riddell has said with regard to 2,4-D.

I think we've talked about it, Mr. Minister, and you have some support in the agricultural community. However, I don't think that's the vote we were on, was it? Or are we on any particular vote?

Hon. Mr. Parrott: I don't want to strike a word that Mr. Riddell said, not a single word.

Mr. Riddell: This was discussed last night, Bob, but I wanted to participate in the circus in the House last night, so I didn't have a chance.

Mr. Eaton: Another thing Mr. Riddell mentioned was somewhat close to what I wanted to talk about. He mentioned the water systems that we've been able to supply in McGillivray and through that area, all as a result of the Lake Huron pipeline, which goes back to the time of the former member for the riding of Middlesex North, who was a great proponent of it, and who I think was responsible for finally getting it carried through. That was Bill Stewart.

Jack Riddell is right. There are some townships out there which have a grid system developed so that almost all the rural area is supplied with water. I think if we look at the history of it—maybe we've got some people involved in it. The province of Ontario, through the Ministry of the Environment, or at that time I guess it was the Ontario Water Resources Commission, paid for that line—

Hon. Mr. Parrott: The pipeline.

Mr. Eaton: —going from Huron to the edge of the city of London. Any community north of the city of London has been able to become involved in supplying the community with water by tapping into that pipeline. I think it's great. But the point that is concerning me is the fact—and I was sorry when I heard the minister mention his views on supplying water outside the city of Woodstock—that he had taken the stand that Woodstock would supply water only to Woodstock. I don't know where they get their water. I don't think they get it from a pipeline. Probably from some wells outside the city, which has been the case around the city of London. For years they got their water from wells outside the city. We had problems with water for farmers around there because of some of those deep wells.

12:30 p.m.

I can remember back about 20 years ago when we did surveys around the city of London for the townships. The junior farmers were involved at that time. We surveyed every home in Westminster township within a radius of six or eight miles. When we

supported that pipeline we made presentations on how all the wells around there had dropped because of the city pumping water. It was great. The city got their water from there and so what?

But, when the city got water from the pipeline they had no consideration for the people outside the city on the other side who had water problems or those with developments taking place. They developed the policy that they would not supply water to any communities outside the city of London. I think that is a policy that has to be looked into and has to be changed.

When we build such a pipeline, we build it to a community like the city of London because that community is vast, wide and large. We should not, all of a sudden, say, "That is the end of the pipeline," because the city will not give access to it to anybody on the south side of the city. The people there have to go out and try to drill wells and find water supplies in other locations. But to the north of the city they can get a great supply of water and have great systems, which I support and have supported.

The little villages of Denfield, Ilderton, Arva and all those places are all getting water off that pipeline. With that supply there, there should be some arrangement that if we are going to supply the water through the Ministry of the Environment, through the province to the city of London, that pipeline should somehow continue out the other side of the city. Either that or you have to get into building that pipeline completely around the city in some way to get to some of the communities on the other side. That would be sort of ridiculous.

Hon. Mr. Parrott: You and I do not differ very much on that. I think there is one significant extenuating circumstance. We were talking about 1962, just to clear the record. In the community of Woodstock at that time all of the industry was locating conveniently just on the fringe. All the residents were located in the city. They would gladly accept the industry and not the residents. So the water was a great tool for industrial development.

Mr. Eaton: I can see why you used it, much as I may still disagree.

Hon. Mr. Parrott: Bill 95 changed all that.

Mr. Eaton: I do not want to argue about your situation in Woodstock.

Hon. Mr. Parrott: No, but I think if we had a pipeline, as you have in Middlesex, then it is for all the people along the route. I could not agree with you more. I am



simply saying there were different circumstances. I am not trying to talk from both sides of my mouth, but I think the circumstances were so different that I can accept both as being valid. Your position in this instance is valid, in my opinion.

**Mr. Eaton:** I think, in effect, that is how the city of London is using that tool. What I am afraid of and what I see happening is that all of a sudden the city is going to want to annex some of the area outside and say, "You cannot supply the services." The only direction they are going to go is to the south because they have a club over those people to the south of the city by saying, "You cannot get the water; you cannot supply the services."

Sewage is probably the same, yet in Westminster township part of the sewage treatment plant is outside of the city in the township. There is no reason why something cannot be done so that at the edge of the city there is a pumping station, a meter, or whatever has to be there, and the township pays for the water from there on—every gallon that goes out, whether it is to the village of Lambeth or wherever.

We have just gone through a long period of time trying to get water located in the village of Delaware. We made the approaches. There is already a pipeline that went out to one of the wells, or several of the wells really. I think there are two or three from which they were drawing water in Lobo township just across the river from Delaware. They were drawing water from there. The city pipeline has now gone out there. It crossed all the rural land to get water out there and the village of Delaware made an approach to them for water. The response was, there was no possible way they could get it. They spent some time drilling wells and had a terrible time getting a water supply.

All the citizens, including the people from Westminster township, or Delaware township, are paying for the water pipeline to come to the city of London and it is blocked by the policy of the city of not providing water beyond their boundaries. As minister, at some point you are going to have to say: "Look, we are supplying that water for the use of all communities. You have to let the people on the south side of the city have some of that water, too." I think that is possibly the point we are coming to.

**Hon. Mr. Parrott:** If I understand it, from Lake Huron to London, any muni-

cipality which wants to may join in. There is no problem there—

**Mr. Eaton:** Sure, every municipality can.

**Hon. Mr. Parrott:** —because, when it comes to London, there is no excuse.

**Mr. Eaton:** When it comes to London you have the great big city in the way and it goes there and does not go beyond it. I think it would be utterly ridiculous to have to build a line around the outside of the city because of their policy.

Interjection.

**Hon. Mr. Parrott:** There is little capacity in that one, Mr. McNeil.

**Mr. Eaton:** That is the one from St. Thomas about which you are talking.

**Mr. G. I. Miller:** Mr. Minister, you made reference to Bill 95. What was that?

**Hon. Mr. Parrott:** That was the Oxford bill.

**Mr. G. I. Miller:** In what connection? In connection with London?

**Hon. Mr. Parrott:** The restructuring of the county.

**Mr. Wildman:** Regional government?

**Hon. Mr. Parrott:** No, there is quite a difference. But that bill changed the whole concept of how we were delivering services. In the Woodstock situation, there was not a single penny of anybody else's money, the province's, anybody's. It was all Woodstock money that developed that line, those wells. The facilities could have been supplied by the municipality, but it chose not to. They just wanted the assessment without paying any of the cost. I think the circumstances were entirely different there. Now, of course, the situation is quite different because of the bill.

**Mr. Eaton:** Yes, and in this case the municipalities would be willing to take the cost upon themselves from the edge of the city onward. The lines are there, and it may even mean a greater capacity in one of the lines, or a line going to the edge of the city where the water can be hooked into by the municipality outside the city; in that case, the municipality outside the city should be prepared to—

**Hon. Mr. Parrott:** How far is Lambeth from St. Thomas as compared to London?

**Mr. Eaton:** Lambeth is within two miles of the boundary of London.

**Hon. Mr. Parrott:** We are getting into a pretty technical area. Are the mains large enough there to handle an extension, or

would it mean a fairly large main going from the plant in London?

**Mr. McTavish:** It probably would not be a great deal further from the St. Thomas water line, which goes up to the Ford Motor Company, to Lambeth, than it would be from London down to Lambeth. It would be a little further but not a great deal further.

**Hon. Mr. Parrott:** It is something you might want to think about, Mr. Eaton. We have a lot more capacity for it.

**Mr. Eaton:** That is a possibility to look at, I suppose.

The Delaware situation is a little bit different. There is a line already going out there from London. There are about 150 homes at the most in Delaware that would be joining the system they are developing there now. It seems to me that to go into this kind of cost would not be worth while. Now they are having trouble locating a place to put their water tower. I think that one is under way; I do not think we are going to look back at it now. But I can see the problem developing further on all sides of the city.

There is a little hamlet at Crumlin in which they have had some water problems. Dorchester is not that far out either, although we have a good water supply right now. In the Dorchester situation there are some concerns about it. There was a high nitrogen rate in the water out there and they were a little concerned. They restricted building within the area of the well; it was an area that had been planned before, and now building is restricted. Probably in the long term the safest water supply would be had by attaching to the pipeline at some point.

In Glencoe right now they are in the throes of bringing that water pipeline in. There are two or three buildings around there to which I think it could eventually be extended.

**Mr. G. I. Miller:** What incentive is there for the small municipalities, Mr. Minister? There must be an incentive for those municipalities to provide that service.

**Hon. Mr. Parrott:** From us?

**Mr. G. I. Miller:** Yes.

**Mr. Eaton:** They are paying up to about 66 per cent of the cost in the Glencoe case.

**Hon. Mr. Parrott:** I have to reserve a day every few months to be with Mr. Eaton in his riding as we open new facilities.

**Mr. G. I. Miller:** Up to 66 per cent, is that correct?

**Hon. Mr. Parrott:** I refer you to last week on Saturday.

**Mr. Gaunt:** He does even better than the member for Huron-Middlesex (Mr. Riddell)?

**Hon. Mr. Parrott:** It is a toss-up. They are both doing so well that I am not sure.

**Mr. McNeil:** I guess I will have to get their formula.

**Mr. Chairman:** Mr. Miller, you will have to wait until after Mr. Wildman and Mr. Eaton have spoken, because, after all, we have only 10 minutes to go.

**Mr. G. I. Miller:** I was asking a supplementary, Mr. Chairman. I just wanted to clarify that point.

**Mr. Chairman:** Okay.

**Mr. Eaton:** It depends on the cost of the system and so on. The minister could probably answer it better. For the pipeline in Glencoe, it is working out to be about 66 per cent that we are getting, and we have some loans which enable us to do it.

**Hon. Mr. Parrott:** Thanks to your efforts.  
12:40 p.m.

**Mr. Eaton:** I think it is important that they be able to do it. You mentioned the opening in Mount Brydges; we opened the line, and previous to that we opened the water system in Melbourne. I think it is important that those communities be able to get that good, clean, pure water they are in need of. In many cases, that will do away with the need for sewage systems. They will be able to continue to use septic tank systems without having to worry about polluting shallow wells and things like that, because they are going to have the water supply.

However, my greatest concern is this policy of the pipeline, how we deal with a large community once the pipeline reaches it, and being able to supply the other, smaller communities in the vicinity. It is just hypocritical to me that for all these years the city of London has taken water out of the area around it, and now that it has water from the pipeline it doesn't give a damn for the areas around the city because it is through using them. That is literally what you can say about it.

That is the kind of problem we went through with some of the farm wells a number of years ago; it really led to the pipeline being put in. There was a move at that time for the city to put in larger and deeper wells. They were testing wells in the Dorchester area; they already had wells on the

west and south sides of the city and they were going for more. It was the actions of the former Minister of Agriculture and Food, Bill Stewart, that led to the pipeline being built.

I don't think it should be for the use of the people north of the city, the use of the city itself, and to hell with the rest of them. I would hope we could take a look at that policy. Maybe it is a case in which the province does have to step in and say to the city, "Look, there are going to be facilities provided for those other people, too." Maybe that extends to sewage systems, as well.

London has a large landfill site to the south of the city. It is fine for them to use the land for landfill sites and so on; but they don't want, in turn, to hook into the sewage systems or to let some of the companies close to the edge of the city hook into the sewage systems. I think there has to be a fair exchange here, because we put up with some of those problems from the city.

Unfortunately, right now we are having trouble with that landfill site, because there is a sewage plant in the city that is having a problem. Some of their sludge has to be brought out to the landfill site and it is causing some smell problems. I know your staff has been on top of it, and I hope we will get it straightened out very quickly. But if we are going to have those sorts of policies whereby they are going to use areas outside the city, then there should be something in return. I know the city is not going to do it; they are not going to take the attitude that they will do it. So maybe it is the place of the province to set a policy on using some of these sewage systems.

The city gets assistance for the sewage system. They get assistance from the province for the sewage system as well as for the water program. The people outside that community are assisting in paying for London, and London should not be in a position to say: "No, we cannot let you use our water. You cannot have our water. You cannot hook on to our sewage systems," and so on.

**Mr. Riddell:** Surely Gleeson was not as self-serving as Bigelow?

**Mr. Eaton:** Almost as bad, almost as bad.

**Hon. Mr. Parrott:** I think your point is well made, and I want to assure you we do not think the end of a pipeline should terminate in a city as a prerogative of that city. I think our goal is to supply water to as many people as we can in the most economical fashion. If that means the extension of a major pipeline which happens to

terminate in a major city, I don't think there is any doubt that we should understand that the pipeline does not belong to that city. Whether we are talking about London or any city in this province, the pipeline belongs to the community of Ontario and should be extended to wherever it is most economically feasible to do so. If that means extending services south, it is only a matter of a reduced dimension of the pipe. It is an extension of a pipeline that services that whole community.

**Mr. Wildman:** Thank you, Mr. Chairman. I was going to lead off, as Mr. Riddell did, by congratulating the minister on the number of sewage projects we have had since 1975 in the Algoma riding; but since we are running out of time, I will forgo that.

**Hon. Mr. Parrott:** I will stay another five minutes.

**Mr. Wildman:** I appreciate the fact that the minister has agreed to meet with me and with the council from the community of Blind River to talk about the situation there.

There have been a number of other projects which are ongoing, and which I was going to raise, but I am sure I can get the information from the staff, who have always been quite co-operative, as Mr. Riddell has said. I appreciate that.

I am interested in a program called Class EA Solid Waste Disposal, which has been proposed by the Ministry of Natural Resources for the study of solid waste management in unorganized communities and territories. Since we are running out of time, could I have some information about the status of that program and where we are going with that supplied to me after the session?

There is one particular thing I want to talk about in the few minutes we have; it is really two things relating to one another.

First, if a municipal abatement officer, or, more important, an industrial abatement officer, is serving a certain area especially if he or she is originally from that area, do you ever run into the situation wherein that individual may have what might be considered to be conflicts of interest, in the sense that there may be close relatives who are executives or engineers attached to the industries with which the individual is required to deal? That must put the individual in a rather difficult position. Do you have any policy to try to ensure that your industrial abatement officers are located in areas where they would not run into those kinds of problems?



**Hon. Mr. Parrott:** I think the only response I can give you is that we would be very wary of setting up, accidentally, any potential for those kinds of conflicts. If you think there are some illustrations of the point, in which, inadvertently, this has occurred—and I accept that it was put forward on that basis—then either on the record or off the record, whichever would suit your preference, we will look at it. It is pretty significant pressure. There is a lot involved. I think we would be pretty fearful, in the interest of public good, if that should exist. So either on or off the record, at your convenience, let us know.

**Mr. Wildman:** I want to make clear, first, that I am not interested in personalities.

**Hon. Mr. Parrott:** No, no. I understand that.

**Mr. Wildman:** Second, I don't have any evidence that there has been a problem, but I would be willing to discuss this with you subsequently, off the record.

**Hon. Mr. Parrott:** We would be pleased to do so, because we do have a lot of consultant work, as you know. We happen to think that is the way to go. But it does establish that possibility, so let us deal with it off the record and if we can clarify any points we will.

**Mr. Wildman:** The only other thing I would like to raise relates to the whole problem of acid rain, about which we have talked so much, and about which I know the minister is concerned. It relates specifically to the ore division of Algoma Steel Corporation Limited in Wawa, which I believe is one of the largest producers of acid rain in the province. I should not say acid rain, but SO<sub>2</sub> emissions. Admittedly, it is an awfully long way behind Inco; but there is, as the minister knows, a sulphur burn northeast of Wawa, which is about two miles across and 20 miles long, and which looks like Sudbury used to look. Prior to the whole acid rain issue becoming as big as it is now, there was a proposal by the ministry that Algoma build a super stack like the one in Sudbury to try to deal with the problems of SO<sub>2</sub> emissions. But when we discovered the problems that this helps to bring about, this was dropped.

12:50 p.m.

I am wondering what is happening now in the attempt to deal with the SO<sub>2</sub> problem in Wawa. You might say, "Well, it is only killing bush." I think that, in itself, is a problem. But every now and then we also have an inversion; the air currents change

and it blows over Wawa and all the lawns turn yellow. It is a major problem.

I have some figures in front of me from your ministry, from air quality monitoring reports. Two of them are ones I was just able to pick up: one is from 1978, the other from 1975.

One of the monitoring areas is at 29 Hillcrest Avenue. I am not sure who lives there, but I can check that out the next time I am in Wawa. For 1978, the number of one-hour periods in which the criteria were exceeded was 102, and the number of 24-hour periods was 11. As far as I can see, the only source of SO<sub>2</sub> emissions in northern Ontario that is worse than that is Falconbridge. To compare that to the figures for 1975 in that same location, the number of one-hour periods was 64, while the number of 24-hour periods was seven. It appears to be getting worse, at least between 1975 and 1978.

The other location is Goudreau which is northeast of Wawa. The number of one-hour periods in 1975 was 11, while in 1978 it was 41. There were no 24-hour periods above the criteria in 1975, while in 1978 there were three. So that appears to be getting significantly worse too.

I know that every now and then Algoma is ordered by the ministry to shut down because of the emissions, or they slow down production or whatever to try to deal with it when it becomes a major problem in Wawa. But what are we doing to try to deal with the long-term problem and reverse the trend, and is it still getting worse? If it is, what are we doing to try to move in the other direction?

**Hon. Mr. Parrott:** Let me ask Mr. McIntyre to come forward on this. He has been sitting back there crying. It is the first time in history that he has not sat here for hours on the hot seat.

**Mr. Wildman:** If you like, I could run up and get Mr. Martel or Mr. Laughren.

**Hon. Mr. Parrott:** No, it is okay.

**Mr. Gaunt:** He is feeling neglected; I can tell by looking at him.

**Hon. Mr. Parrott:** That is right. So welcome, Mr. McIntyre. It is amazing to see you here.

**Mr. McIntyre:** Thank you, Mr. Minister. I am sorry I did not bring my cowboy hat and I did not limp too much when I came in.

To answer Mr. Wildman's question, I know he is aware that there is an order on Algoma Ore. That order requires, initially, that the company provide a greater degree

of protection to Wawa. They have, in that vein, moved the Hillcrest station, because we determined that its location did not give us the worst results to be found in Wawa.

**Mr. Wildman:** Oh, so it is worse than that?

**Mr. McIntyre:** No, just a minute. They now have two stations. The two stations are totally automatic. They have a feed-in system to the smelter. They have left the meteorological station at Hillcrest so we can get the prediction data. They have a consultant who provides them with a daily forecast of the wind direction and its strength. The excursions above the order from the time they installed it late last year have been very small in number. We anticipate no excursions this summer, which is the growing season, and intend to follow up on that. That provides the immediate protection to Wawa. We don't believe we are going to have the kills that occurred in the vegetation and the damage that occurred in previous years. That should not reoccur. If it does, the company will be in court.

**Mr. Wildman:** You mean right in town.

**Mr. McIntyre:** Right in town. We have been running in co-operation with them. Our aerial photography of the area between Wawa and Goudreau—for a number of years we have a number of aerial photographs—shows that the damaged area is not enlarging.

**Mr. Wildman:** I would hope not. I had a nice tour of that area with Marcel Dubreuil in a local private plane the other day, not because he wanted to show me that but because he was flying me from Dubreuilville to Wawa.

**Mr. McIntyre:** The problem with the iron ore division is that it is only one of two iron ore mines in North America that are still using mining techniques. All the others are open pit operations. The company is aware of the problem, due to the publicity about acid rain and the fact that we have met with the Algoma officials and told them they are going to have to do their bit in the reduction of SO<sub>2</sub> emissions, regardless of how they protect the community and the surrounding vegetation.

These discussions have certainly not finished. Earlier, at the time they were doing the stack work, they did prepare an estimate of what it would cost for containment facilities for the sulphur. It was very expensive at that time, and it is even more expensive now. Of course, you understand that they do not

get all of their iron products for Algoma Steel from that mine.

**Mr. Wildman:** They get 40 per cent.

**Mr. McIntyre:** They get 40 per cent; the sinter, the rest, is pellets from elsewhere.

**Mr. Wildman:** From the United States.

**Mr. McIntyre:** We have asked them to prepare for us a report showing how they could do the containment, what it would cost them, what would be the effect on the community, and what would be their view of it if it were done. We have not embodied this in an order yet because the depth of this study is still under discussion. We hope by this fall we will have resolved when it will be done and when it will be in to us.

**Mr. Wildman:** Can you keep me informed as to the progress of that?

**Mr. McIntyre:** Certainly.

**Mr. Wildman:** Also, I would like to get your 1979 air quality—

**Mr. McIntyre:** It is not printed yet. We are doing one every two years. There will be one printed at the end of this year.

**Mr. Wildman:** Okay.

**Mr. McIntyre:** We can, if you wish, make the raw results of the data available to you.

**Mr. Wildman:** I would appreciate that. Can you tell me how they compare to these? I realize you said you had changed the station's location in Wawa. Do you have any way of comparing the two? Are they getting worse or staying the same?

**Mr. McIntyre:** Last year it was much better than it was in 1978—I am going by memory—both at the Hillcrest location which they changed part way through the year, and at Goudreau.

**Mr. Wildman:** Okay. Can you say you are down to where you were in 1975?

**Mr. McIntyre:** I think we are probably below that. I would hate to swear on it, because I don't have the data with me. But it seemed, when I talked to Dr. Balsillie, that the results were that way, yes.

**Mr. Wildman:** Fine. I will leave that, in the interests of time.

Vote 2103 agreed to.

**Mr. Chairman:** This completes the estimates of the Ministry of the Environment.

**Mr. Gaunt:** Mr. Chairman, I just want to report to you that I applied the compost to my roses. Everything appears to be in order with the exception of the fact that my red roses have turned blue.

**Mr. G. I. Miller:** Mr. Chairman, I would like to report that mine have not even bloomed yet, but I hope they are going to survive.

**Mr. Riddell:** My soil is still sitting in the office and my secretary is complaining like heck.

**Mr. G. I. Miller:** There is one thing I would like to bring in, by way of a request to the ministry. The deputy minister gave me a report on the Niagara environmental management program and suggested we could have a meeting to discuss this report. I wonder if next Wednesday morning might be a good time, and if the NDP critic might like to participate in that?

**Mr. Chairman:** What we have, through a motion, is a meeting at eight o'clock tomorrow evening of the resources development committee to consider the Ontario Development Corporation's 1978-79 annual report of loans and guarantees. I do not know how long that is going to take.

**Mr. G. I. Miller:** We will do this privately, then. Would Wednesday of next week be okay?

**Mr. Scott:** I notice one of the key people on the staff indicating that there may be some trouble with Wednesday, so I will get back to you and we can work out something.

**Mr. G. I. Miller:** I would like to do it next week before the House closes.

**Hon. Mr. Parrott:** Before we close, and in conclusion, may I say thanks for those comments about my staff? I know they feel very appreciative of those kind words, and indeed I want to put it on the record that I am very appreciative of the support given to me over the years by the staff of the ministry.

I think that, except for maybe one or two moments, Mr. Chairman, it has been an excellent discussion. I appreciate the comments of the critics and hope we have been able to supply some information. I know we all feel it is a bit short. If we had more time we would benefit from it. But thank you for your

constructive criticism, Mr. Gaunt, Ms. Bryden, and all other members of the committee.

To keep the one last honour-made and unfulfilled promise, would you join me for a drink in the lounge on Tuesday evening of next week at 6 o'clock? Members of the committee are entirely welcome.

**Ms. Bryden:** I have a special caucus meeting at that time.

**Mr. Chairman:** Mr. Minister, I just want to say I did not want to act in any way out of the ordinary, but I think perhaps there was a misconception. What I was trying to do, as an elderly man, was to give some caution and advice.

**Hon. Mr. Parrott:** To all of us.

**Mr. Chairman:** No, as to attacking civil servants, which is most unfair in committee. You know, Mr. Gaunt, as you have been here a long while, that if you direct your attention to abusing the minister that is up to you. He can look after himself; if he cannot, he should not be there. But I think when it goes so far as to question the integrity of an individual, a civil servant, it is most unfair. I expressed my views on how I feel. It was not from a malicious point of view. That is just exactly what I feel like doing.

**Mr. Gaunt:** Just for the purposes of the record, Mr. Chairman, I want to say I appreciate the co-operation of the minister and the ministry staff throughout the year. They have always been helpful and co-operative to me, and I want that on the record. I don't want to make any observation about your comment. I will let it go. You did what you felt you had to do, and I don't want to comment on it.

**Mr. Chairman:** I don't want you to think it was done in a malicious manner or anything. But, frankly speaking, I looked at it as a very objectionable attack.

**Mr. Riddell:** You would have Mohammed Ali giving second thoughts to stepping back into the ring.

The committee adjourned at 1:03 p.m.



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### From the Ministry of the Environment:

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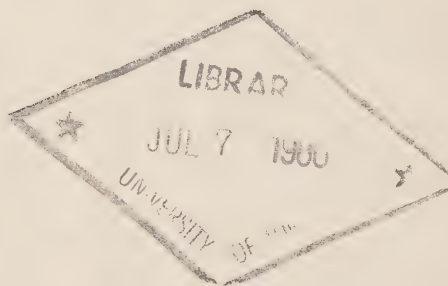


# Legislature of Ontario Debates

## Official Report (Hansard)

**Subcommittee of the Standing Committee on  
Resources Development**

Annual Report, 1978, Workmen's Compensation Board



**Fourth Session, 31st Parliament**

Wednesday, June 11, 1980

Speaker: Honourable John E. Stokes

Clerk: Roderick Lewis, QC

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# LEGISLATURE OF ONTARIO

## SUBCOMMITTEE OF THE STANDING COMMITTEE ON RESOURCES DEVELOPMENT

WEDNESDAY, JUNE 11, 1980

The subcommittee met at 10:08 a.m. in committee room No. 1.

### ANNUAL REPORT, 1978, WORKMEN'S COMPENSATION BOARD

(continued)

**Mr. Chairman:** Ladies and gentlemen of the committee, we have members here from all parties so we will start the meeting. Others will join us as we go on. I will ask the minister to make a statement at this time.

**Hon. Mr. Elgie:** Thank you, Mr. Chairman. I have two or three items I would like to address. First of all, I would like to introduce to members of the committee who have not met him before, the Honourable Lincoln Alexander, the new chairman of the Workmen's Compensation Board. We are very pleased to have you with us.

**Hon. Mr. Alexander:** There seems to be all-party agreement.

**Hon. Mr. Elgie:** In this particular room there is.

**Hon. Mr. Alexander:** Temporarily.

**Mr. M. Davidson:** We are being kind.

**Hon. Mr. Elgie:** Don't be lulled into any false sense of security.

The second thing I would like to mention is the suggestion made at the last committee hearing I attended. It was suggested, very thoughtfully, that it might be nice if this committee, having finished its work—however I understand we will have to have another day now, but it was to be the day we finished our work—had the opportunity to get together with Michael Starr and with the new chairman. At 12:30 today, following our meeting, members of the board all members of the committee are invited to join us in room 230 for some refreshments, a light lunch and to chat with Michael and Lincoln.

10:10 a.m.

Third, I have a personal problem today. I have to attend my aunt's funeral this afternoon in London and I have two items I have to deal with in cabinet. My deputy

minister is going to be here and I will do my utmost to be here for the rescheduled meeting in case there are any final matters the committee wishes to raise. Could I have the committee's permission?

**Mr. Chairman:** Before we get on with the business at hand we should resolve what we didn't do last night. It was the committee's intention to sit last night and to make up this morning the extra half hour we lost the first day of the sittings. I thought that might still happen so I was here at 9:30 and Ms. Bryden and I were the only two people here. We chatted for a while and decided we were going to have a 10 o'clock meeting.

We do have a half hour to make up and will hope to do so at the next sitting so that we won't necessarily have to bring all these people back for half an hour. What is the feeling of the committee members? Would Thursday of this week or Tuesday of next be agreeable?

**Mr. J. Johnson:** Are you talking about half an hour?

**Mr. Chairman:** We are talking about another two-and-a-half-hour session with a half hour added to make up for time lost in the first session.

**Mr. M. Davidson:** Mr. Chairman, it is my understanding the minister is heavily involved in Bill 89, which is going to committee of the whole House Thursday evening. A number of us who sit on this committee would like to be there to participate. If it is possible to get agreement among the members, I would like to suggest if we started at 7:30 next Tuesday evening and went through until 10:30 that would give us that extra half hour.

**Mr. Chairman:** Is that June 17?

**Mr. M. Davidson:** I believe it is, yes. That would give us three hours next Tuesday evening and we would have our two and a half hours today, which would make up the time.

**Mr. Chairman:** That is satisfactory to me as chairman of the committee. Is there any objection by anyone?



**Mr. M. Davidson:** I think that is agreeable, Mr. Chairman.

**Mr. Chairman:** Since we are short of members, we will proceed with the discussion and raise this again before we break to make sure we have agreement.

**Mr. McClellan:** Just on a procedural point, I had asked in the opening session if I could have a copy of the board's legal opinion with respect to section 42(5). Perhaps that could be distributed.

**Mr. Armstrong:** I understand that is available, Mr. McClellan.

**Mr. McClellan:** I would appreciate getting it now. I would like some time to study it before speaking to it.

**Mr. M. Davidson:** I should ask the deputy minister if it is his legal opinion or someone else's.

**Mr. Armstrong:** It is certainly not mine. Because of the stature of the person who gave it, I defer to him.

**Mr. Chairman:** Ladies and gentlemen, I find myself in a very strange position this morning. I have no speaker on the list. Who is first?

**Hon. Mr. Alexander:** Mr. Chairman, if you don't mind, perhaps it is inappropriate for me to intervene without being asked to speak, but I know you and I guess I can call them my colleagues, who are sitting around the table expect something from me this morning. I won't be long. I don't intend to take up the time of the committee because I know the members have some very searching and probing questions which we want to hear.

I just want to say I am delighted to have the opportunity to serve. I find this is going to be a fascinating, challenging and I would think a very onerous job, but I accept the job with the hope, that with the co-operation of members who take an interest in the board we can come up with an act which in the long run will be satisfactory regarding the concerns of the injured workers.

I must say I was very impressed with the in-depth knowledge of the committee members regarding the board. I had the opportunity to read the minutes of the past four meetings and they were enlightening to me. As you know, I am new, and some people question my competency. I won't get involved with that, but it was an opportunity for me to really get down to the nitty-gritty of what is going on in the Workmen's Compensation Board. The members were bringing forth their concerns and their objections with respect to the workings of the board, so I really did appreciate having that opportunity prior to the time I arrived here.

One other thing I would like to say is that I am very grateful for the kind invitation you extended to me, Mr. Chairman, on behalf of the members of the committee, to attend one of the sittings prior to time I was sworn in. I hope you understand that under those circumstances I just didn't have the time, but I wanted to be here. They were trying to kick me out of Ottawa and they succeeded. I left with tears in my eyes, but I knew I was coming to a new family with new friends, to become familiar with the House as far as Ontario was concerned.

I would like you to know I am very pleased Mike Starr is with me. I give him a lot of credit for the tremendous job he has done. I just hope I can fill his shoes and perhaps, if the good Lord is willing, even surpass him. He is going to be with me and I am going to count on his advice, as well as the advice of some excellent members of the board. I see them all over there. It looks as if there are 100. I have a tendency to exaggerate, but there are a number of them there who are here just because you asked for their presence.

In particular, with me I have Mr. Al MacDonald, vice-chairman of the board, John McDonald, secretary of the board, Bill Kerr, executive director of claims, Dr. Bill McCracken, executive director of medical services, and John Wisocky, executive director of rehabilitation.

I know some of you are concerned and interested in the role we have played with respect to women in the work force as it applies to the board, so Ms. Robson is here this morning. As well, we have Mr. Bob Brewerton, executive director of finance, and Gordon Cook, manager of the investment fund.

Mr. Chairman, I just wanted to let you know how emotional I am about this, my first attendance at your committee and I want to thank you for inviting me and my associates here this morning.

**Mr. M. Davidson:** Mr. Chairman, I want to add that we certainly welcome you, Mr. Alexander, to your role as chairman of the Workmen's Compensation Board. I can assure you the initial introductions were meant in the sense they were given. I am quite sure that eventually you will find as chairman of the board that while we can be nice and amicable on occasion, you are a target for criticism and criticism shall be offered—I hope constructively—if we feel the board is not following along with what we consider to be the needs and rights of injured workers in the province.

10:20 a.m.

**Hon. Mr. Alexander:** I certainly will discharge my responsibilities with vim and vigour and enthusiasm. I certainly will.

**Mr. Chairman:** There is no question about that. I would just like to say, sir, we appreciate your words of wisdom. We certainly welcome you to this new job. You are taking on a tremendous responsibility but your past history indicates that you are quite capable of taking on those kinds of responsibilities and discharging them well. We appreciate the fact that as the new chairman you have a big job to do and, as members of the government, we hope to be able to help you in any way we can.

**Mr. J. Johnson:** I would like to pay a personal tribute to the former chairman, Michael Starr, for his many years of dedicated service. He, too, came from the federal scene and I am sure the new chairman will serve equally well. I think Lincoln Alexander has had his fair share of criticism in the federal House on both sides—one, for a short duration—and I am quite sure he can handle any flak that certain parties here will hand out.

**Mr. W. Newman:** Mr. Chairman, I would like to take this opportunity—I don't often do this—to pay tribute to the past chairman of the Workmen's Compensation Board, the Honourable Michael Starr, whom I have known for over 30 years. I happened to have worked as his campaign manager in several elections; not that he is political when he is down there at the board. He did a great job and I would like to pay tribute to him for the tremendous dedication and service he has given, not only to our country but to the Workmen's Compensation Board.

I note the new chairman has also given a great deal of his time and effort on behalf of Canada and now he's devoting his time to what is a very difficult job at any time and I would like to wish him well in all endeavours. I know he has the capabilities and capacity to deal with the Workmen's Compensation Board and I, personally, would like to welcome him.

**Mr. Chairman:** Do any other members have any remarks at this time?

**Mr. Haggerty:** On behalf of my colleagues, I would like to extend best wishes to our new chairman of the Workmen's Compensation Board and say that his political background will be of some assistance to him here. I have had the pleasure of knowing three chairmen, Mr. Legge, Mr. Starr and the present chairman. One of the things I found very pleasant was that Mr. Legge would sit down as chairman of the board at

some of the major appeal hearings. I don't think I can recall Mr. Starr sitting at any of the particular appeals that I attended, but I thought Mr. Legge set a good example.

I think you get a better grasp of the problems that claimants face and how the appeals are handled at a hearing of the board. I suggest to Mr. Alexander that he follow that principle. It would give you a better insight into the difficulties of claimants in establishing a claim or an award. In my experience, the board has been good but it could be improved. Perhaps it should be through the legislation, because every time one encounters some difficulty at a hearing it is always thrown back, "You fellows are the legislators so if there are changes to be made in workmen's compensation you should make them." I know there have been numerous reports and studies done but we haven't actually seen any major improvements in that particular area that would make it much easier for a claimant to process his claim through the channels or the procedures that are set up now. I find it's still a difficult area and I think it has to be improved. I say this sincerely.

With the district offices throughout the different communities, I find there are difficulties created because the people there cannot make a decision. It still has to be referred back to the board at Bloor Street and sometimes the delays and frustrations a person encounters are unbelievable.

Mr. Davidson mentioned something about this and Mr. Martel, in his opening remarks, laid out case after case all over the province. There has to be some way we can speed up the procedures and I would hope, with the difficulties that you have encountered and your experience as a legislator in the federal House, maybe you can understand the difficulties in this particular area. Maybe we can look forward to major improvements to make it much easier for these people when they are processing claims. It has a good record but there are certain areas that cause difficulty to a certain percentage of the injured workers trying to establish their claims and move to final rehabilitation. I suggest this is an area that should be looked at very closely. I am sure the present directors and members of the board know there's a problem. If it's legislation, let's bring it forward.

I do want to extend to you our very best wishes on this occasion. I am sure we in the Liberal party, the official opposition, will be of assistance to you if you wish to have

dialogue with us. We have open minds in this particular area.

Hon. Mr. Alexander: Mr. Chairman, I want to thank Mr. Haggerty very much for those extremely constructive comments. I will start off by saying—I don't think this is original—that by working together we can reach the desired end. With respect to sitting at major appeals, I will certainly take that under very active consideration, sir. It's something that has been on my mind and I want to thank you for bringing it to me. I was very pleased to hear you say that in terms of the appeal situation claims it does have a good record. I am glad you put that on the record. It doesn't matter what agency one has the opportunity of becoming involved with—in terms of its mandate, there are going to be problems.

We all want to strive for perfection. We are not perfect; you are not perfect. I think in the long run, as long as the perception is there that we are attempting our best to bring about perfection, this should satisfy a lot of people.

I think you were obliquely talking about decentralization with respect to claims and I know that you are very much aware, more so than I am, of the pilot project that has been instituted in the Sudbury and London areas. As I understand it from my associates, these things are in place and are being developed. As a result of the experience we gather from those pilot projects, we will perhaps be able to follow those matters further.

You talked about legislation. I don't have to remind you that under the mandate given by the minister to Professor Paul Weiler, whose expertise I am sure you are very much aware of as a result of his involvement in industrial relations, he has been charged to look at the whole workings of the board: the makeup of the board, the decision-making process, the appeals from the decision-making process, the claims envisioned, the workers' advisers, decentralization, even the current matter raised of late, that is, the right to sue. The whole question of the efficiency of the board and how it can be improved is now in the lap of Professor Paul Weiler. We also have Mr. Justice Krever looking into the confidentiality of medical reports, and Professor Williams is involved with the whole question of freedom of information.

We expect those reports—I can't say when—but I think this is the type of thing that you are looking for. Mr. Haggerty, with your extensive experience, having served under three chairmen, I know you will more than

likely be submitting a brief personally. I would hope that, seeing as you opened this, I will be hearing from you. I say that with a great deal of respect. I am a former member myself, and I hope I will be given the opportunity to bring about input that should be of prime concern to you.

In order to answer your questions more specifically though, we have our vice-chairman in charge of appeals, Mr. Tom Warrington, here. As well, we have Mr. Bill Kerr, who is executive director of claims. I hope you will raise those matters with respect to the expediting of claims and the working of appeals. I am sure they will have more specific information for you. In closing, I want to thank you for your kind words about me, personally, which are very encouraging. I know we can work well together. Thank you, sir. Thank you, Mr. Haggerty.

10:30 a.m.

Mr. McClellan: That concludes the nice period of this morning's proceedings. I do want to wish you well in your new position, to congratulate you on your appointment and to say I look forward to being able to work with you to resolve, I hope, some of the long-standing problems that plague us as members of the Ontario Legislature.

For your own benefit, I represent the riding of Bellwoods, which is in the central west end of Toronto. Most of my constituents are new Canadians, and most of them work in the building trade. That, by definition, means I have an enormously large WCB case load and I am dealing with the board on a daily basis. I have two staff people, one in my riding office and one here at Queen's Park, who spend most of their working day dealing with workmen's compensation cases.

I have had two appeals, one this morning and one on another day, during the WCB estimates. I am engaged in appeals on a continuous basis, as are my two staff members. We sometimes wonder whether we are subsidiary employees of the WCB instead of parliamentarians. These problems do not seem to get resolved. We come back here year after year and lay out our problems in front of the chairman and successive ministers. Yet they remain with us.

Mr. Davidson had a quote made by Mr. Starr, reported in the *Globe and Mail*; he has at last started to repeat our belief that, and I will quote, "The time has come for Ontario to look at other compensation plans and some of the radical changes that have been made in Saskatchewan, British Columbia and New Zealand."



**Hon. Mr. Alexander:** What is the date of the article?

**Mr. McClellan:** This is from the *Globe and Mail* of Friday, June 6.

I hope you and Mr. Armstrong, as well, will take advantage of the process of re-examination that has begun under the auspices of Mr. Weiler, and not look just at tinkering with the system, but look in a serious way at ways and means of moving towards a universal accident and illness insurance program that eliminates the adversarial relationships between the board, employers and employees. I do not want to go into detail at this point. I have some specific things with which I want to deal.

Mr. Alexander, I recommend to you any of the speeches of Floyd Laughren, the member for Nickel Belt, made in any of these estimates committees over the past six years, dealing with the reasons why the compensation board cannot be reformed by tinkering and why it has to be radically reconstituted before the kinds of problems that confront us as legislators are resolved.

I wish to raise a few preliminary questions.

**Hon. Mr. Alexander:** Before you start, sir, I think you have opened with an excellent statement, there is no question about it. I think I can assure you that the minister is equally concerned about the workings of the WCB, as its mandate stems from the present act. I think what we have done, and I want to emphasize this, is to bring about this entire investigation, if you will, the reassessment and assessment of the act by Paul Weiler, after which his report will be given to the minister, who brought about the investigation. From there, I would hope there will be major amendments.

You use the word "tinkering." I do not think that is the minister's intention, and I know it would not be mine, although I know I am talking about policy; but I think what has occurred is that there is an opportunity now to really get down to business in order to see that we have the type of act for which we are all looking.

The experiences in Saskatchewan, Alberta, Quebec and New Zealand have all been brought to my attention. As a matter of fact, I was very fortunate to have the opportunity, within the first three or four days of my appointment, to attend an annual meeting of the Association of Workers' Compensation Boards of Canada in Montreal. It was there that we had an opportunity to look at the Saskatchewan experi-

ence with the new mandate, which legislation will be introduced, I believe, in the very near future. The same goes for Alberta and Quebec, and I know of the New Zealand experience. I think all of these things are being looked at, not only by Mr. Weiler, but by members of the board. I think it is only from those experiences that we will be able to bring about an act that will perhaps be the best.

Therefore, thank you for your comments in that regard. As to your suggestion regarding Mr. Laughren, I will follow it. I know my associates have now made a note of that, and I will read his speeches because I expect some very good points to come from them. Thank you.

**Mr. McClellan:** I would like to tread upon thin ice, I suppose, not being a lawyer, and to ask at least some preliminary questions about the board's current interpretation of section 42(5). I note with a certain amount of awe, horror and trepidation that the legal opinion which the board sought was from Mr. John J. Robinette.

**Hon. Mr. Alexander:** Are you questioning his talents?

**Mr. McClellan:** No, I am thinking simply of the wisdom of the board in going to Mr. Robinette for an opinion. The question of the administration of section 42(5) has to do with the board's interpretation of the section, and with whether the board is correct in saying that because of the way the section reads the board is obliged to take into account current earnings when it calculates a benefit under section 42(5).

My reading of the act, and I think the reading of the judge in the Gianoukakis case, was that there is nothing in the language of the act that requires the board to calculate in current earnings when the board is making an award under section 42(5).

I raised this last year in the estimates and we had some interesting discussion. Mr. Starr seemed to concede that what I was saying at least made some sense, and, if I am not putting too many words into Mr. Starr's mouth, that the capacity of the board to be flexible in the administration of section 42(5) was there, at least when taken at face value. But he wanted to get a legal opinion and added that if the board was to be more flexible in the administration of section 42(5)—I am going by memory—the board would certainly have to develop some policy guidelines and criteria on how to apply that provision in exceptional circumstances.

I am trying to argue that there are cases in which injured workers have been disabled

and are unable to earn wages up to their old standard, particularly workers who were injured a number of years ago. For example, construction workers who were injured in the 1950s or 1960s, before construction wages were raised to a decent level through collective bargaining, are really suffering and suffering badly. All of the percentage increases passed through legislative amendments have not compensated a construction worker who was injured in 1962 or 1963 for his lost earning capacity.

10:40 a.m.

If he had remained a construction worker he would have shared in the wage increases that had accrued to construction workers, particularly in Toronto; his standard of living would be enormously and astronomically higher than it is because, no matter what the percentage increase, his earning capacity has been obliterated.

I am trying to argue that at the very least the board could award an injured worker benefits under section 42(5), which is a wage loss supplement, in order to take into account the degree of impaired earning capacity without including current earnings. The board has argued that it is not possible to do so. I have had a chance only to skim-read Mr. Robinette's report, but I do not see anything there that says the board could not do what I am suggesting. Mr. Robinette says the board's present practice of using current earnings as part of the calculation is, in his view, a legally valid interpretation of the statute.

But unless I have misunderstood, and I would appreciate it if Mr. MacDonald could help me out, I do not see anything that says you are precluded from doing what I have suggested you could do; that is, give yourself a measure of increased flexibility and look at cases on the basis of individual merit. If you need to develop some criteria for the application of this section, fine; do it. Let us see the criteria and let us get on with the job. There is nothing in the statute that prohibits you from doing it, and I do not see anything in the Robinette report that says you cannot do it.

Hon. Mr. Alexander: Thank you very much. I know of Mr. Robinette being retained with respect to section 42(5). I think he is still on it. I do not know whether that is the final report, or a preliminary or interim report. But I think there is a person here who would be able to assist us in terms of how section 42(5) is interpreted. I noticed you indicated that there is perhaps room for flexibility there. I am a lawyer as

well, and I will not get involved with that because I am not too sure as to whether there is; I guess that is when we run into difficulties and have to call for assistance from people such as Mr. Robinette. But we do have Mr. Kerr here, who is the executive director of claims, and I am sure he would be able to give you some detailed explanation in terms of how the section is interpreted. You may have heard this before—

Mr. McClellan: We know that.

Hon. Mr. Alexander: No, we may know that, but if you know what I think you do not know and you have some indication as to what has happened as a result of your concern, I think you will admit we are on the right track by bringing in persons such as Mr. Robinette. Mr. Kerr is available. Is it all right, Mr. Chairman, for him to attend the front table before the microphone to give some detailed explanation as to what is happening right now regarding this matter?

Mr. McClellan: Perhaps Mr. Kerr could give us a progress report, dating from our last exchange in March, 1979.

Mr. Kerr: Mr. Chairman, on previous occasions we have reviewed with this committee the method that the board has been using and still is using in determining the supplementary awards to be granted to augment permanent disability clinical awards.

The authority under the act is to grant a supplementary award when the impairment of earning capacity of the employee is significantly greater than is usual for the nature and degree of his injury. In making that determination, the first determination that must be made is that we take into consideration factors such as whether the individual, medically, can perform his pre-accident job. There may be medical factors which would allow him to perform his pre-accident job, but we go further than that. Perhaps there are other factors involved which would prevent him from performing his pre-accident job and which would create an impairment of earning capacity significantly greater; that would be, perhaps, a number of things: lack of education, lack of communication skills, and perhaps a language barrier exists at that particular point; or it may be that the geographical location is a problem. So we take a look at the whole person concept in determining whether this person qualifies for a supplement.

Let us assume that the individual meets the requirements of section 42(5) and is entitled to a supplement. Now we come to the point which has been a source of con-



cern to the committee and which was discussed at great length last time, resulting in a request by the committee for a legal opinion; that is, should we regard the current earnings in determining the amount of that supplement which is to be paid over and above the clinical pension? At present it is quite true, Mr. McClellan, that we are still having regard for the man's current earnings when calculating that amount.

To date, I have received no instructions from the board to change the present practice, and I do not think it is necessary for me to go into the details because I know you gentlemen are very familiar with it. It is the issue you are concerned with.

I was rather interested, at the convention in Quebec, to hear my counterpart in Saskatchewan commenting about the supplementary awards. As you are aware, they give a lump sum for physical disability, or so-called "clinical disability," with a maximum of \$10,000. Then, on the basis of wage loss, they can supplement that lump sum in the form of a monthly payment. They do not have as many lump sums payable under their new system as we do under our present system. This amazed me. The number of lump sums they get is around eight per cent of the total awards made for current disability. Ours is still around 45 per cent to 48 per cent of all the pensions awarded; that is, not the lump sums, but the small things for the amputation of the end of the little finger or something of this nature. Considering the monthly pensions that are awarded, our number of supplements is still pretty high, around 48 per cent of the number of pensions awarded; this means that last year 2,939 supplements were made under our system.

However, coming to the point about Saskatchewan, I was surprised, and inquired about the basis on which they make their supplementary payments. They have a system whereby they have advice from the rehabilitation consultants as to what the man can do. Suppose he cannot perform his former work but is capable of performing a job such as that of a bench welder—the example means nothing. They would then look at the records to see what bench welders are making today. Even though the man is not employed they would establish what he could have earned. They deem that this man could have been a bench welder and, therefore, if there were no wage loss when compared with his pre-accident earnings, he does not get a supplement. If there is a wage loss, then it is based on what they deem he could have earned by being employed as a bench welder.

At present we do not have that system here. If the man is not employed, once he has qualified for the supplement we do not deem that he was capable of doing this job and therefore could have earned that amount of money. We pay him a full supplement. So, even looking at the Saskatchewan system, there are some differences which would be of interest to you, and which are worth studying when you make a submission to Mr. Weiler, or take whatever course of action you wish.

I think my progress report is that, in fact, we have not decreased, but have increased the number of supplements paid in 1979 over 1978. The percentage is just about the same as I reported last year, using the current basis. Unless there are questions, that concludes a kind of digest review for the members as to where we stand now.

Mr. McClellan: Thank you, Mr. Kerr. The problem for me remains at the level of the board, not at the level of administration. Mr. Kerr is simply following the policy directives that have been established by the board based on its interpretation of the act. I refer to what Mr. Kerr said on March 29, 1979, when we discussed it, "The way we read the act is that we are obliged to consider the current wages the man is capable of earning, and to compare that with the earnings prior to the accident." Note that he says "we are obliged."

10:50 a.m.

Was it Mr. MacDonald who underlined a section of the Robinette report? Let me try to put it into some context. Mr. Robinette notes that the language of the statute is "permissive and not obligatory." It "confers and was intended to confer on the board a wide area of judgement and discretion." That is on page two of his report.

He then goes on to question whether the board's procedure in calculating section 42(5) is legal, and says, "Yes, it is." I don't think I have said your interpretation is illegal. I may have blurted it out inadvertently; I have a vague recollection of having done that in the heat of discussion. The point I am trying to make, in a calmer frame of mind, is that you have the breadth of discretion to do either, I think; that is, either to compare or not to compare, depending on the merits of the case. I don't see anything in Mr. Robinette's report that says you are obliged to compare.

Mr. Robinette does say, and Mr. MacDonald has underlined this, "In my opinion the board in its judgement and discretion is legally entitled to compare present earnings with one year's earnings before the accident



as the only practical and equitable method which is fair to all workers to determine the amount of the supplement. The board can act only under the powers given to it by the Legislature and is entitled to act under those powers when they are broadly stated. If the Legislature wants the board to act on some other formula or approach it is really up to the Legislature to so provide by an amendment of the act."

He does not say that you don't have the legal power to take a broad interpretation of section 42(5). In fact, the gist of this document is that you do have the breadth of discretion. He says the way you do it now is the only practical and equitable way to do it, and I dispute that. I don't think Mr. Robinette—with enormous respect—has the experience that I have in doing compensation cases; I don't think Mr. Robinette has run into the same number of construction workers who were injured in the early 1960s and who are not eligible for wage loss supplement because of the board's method of calculation. I don't know what is fair and equitable about impaired earning capacity which cannot be redressed, which cannot be brought up to a current level of decency and adequacy.

I had an appeal within the last three weeks by a man who was a construction worker in the 1960s and who has a relatively large award. I don't have the file here, but I think he has a 30 per cent award, which gives him an absolutely minuscule pension. He was earning a relatively lousy wage at the time he was injured; it was close to the minimum wage, even though he was working in construction. He now works at a sheltered workshop where he still gets less than the minimum wage.

Here is a guy who has been injured, is working full time and is getting less than the minimum wage, plus the pension. Because of the way the board calculates, he is not eligible for a wage loss supplement and is living in poverty.

**Hon. Mr. Alexander:** I don't know if I can help you, sir, in that regard.

**Mr. MacDonald:** The board definitely shares your concern about what should be the policy in this kind of difficult case. Having received this opinion, with Mr. Weiler having been appointed, and with the changes that impinge upon this which are taking place in other jurisdictions, we felt it would be wise to give him the opportunity to give us some advice before we embarked on any major change of policy.

The kind of thing you are suggesting is not being done anywhere in the world at this point. It may well be that it should be, in certain kinds of situations, and certainly we are interested in seeing what Professor Weiler says about it.

**Mr. McClellan:** I interpret, from what you are saying, that you don't have any intention of moving from the present policy—

**Hon. Mr. Alexander:** I don't think that is what he said.

**Mr. McClellan:** —until some time after Weiler has done his study and the act is revised.

**Hon. Mr. Alexander:** I think I would gather that conclusion myself. Would you not think that is an advisable approach in the light of the fact, and I know the concern you have—

**Mr. McClellan:** No.

**Hon. Mr. Alexander:** I think we have to address it, and we are doing just that. As I understand it, Professor Weiler is seized of the matter. I am not too sure when his first report, or interim report, will be handed down.

I think what is important is that the board is very much aware of the concern. As a matter of fact, Mr. MacDonald indicated that the board is also concerned, in terms of getting to this problem and bringing about the required solution, knowing that it is not being done across the world; but because it is not being done across the world does not mean we cannot adopt some method which will satisfy the objections you have. It is there, we understand it, and we are moving in that direction to assist you.

**Mr. McClellan:** When?

**Hon. Mr. Alexander:** We hope it will be soon.

**Mr. McClellan:** I don't mean to sound pessimistic.

**Hon. Mr. Alexander:** I don't blame you, because if I were sitting there I would probably be pessimistic too.

**Mr. McClellan:** I am.

**Hon. Mr. Alexander:** Please don't be, sir.

**Mr. McClellan:** In the meantime, it is not simply a question of my miserable emotional life, it is a question of injured workers who are living in poverty because of the board's stubbornness, if I might use that word, in its interpretation of this section.

I raised this a year ago. If you wonder why we get cranky from time to time, one

of the reasons is that it takes 12 months and four letters to the Minister of Labour before you get even the response to the question that was originally asked in March, 1979. Here it is June 1980, and I finally have the response, and that is just an answer to a preliminary question.

There is nothing that prevents you from moving, through the use of section 42(5), to at least try to relieve some of the suffering and redress some of the injustices that injured workers are confronting and living with, until such time as you are in a position to put in place a new system. I don't expect, and I am sure you don't expect, that the Weiler report is going to produce a draft of a new Workmen's Compensation Act, and that we are then going to move from Weiler to a draft act and on to a new act within the space of six months, 12 months, or 18 months; let us be realistic.

In the meantime, let us try to deal with some of the suffering that injured workers are experiencing; if there are not legal barriers, and I understand that there are not, then the board can sit down and work out its criteria for a more flexible application based on whatever factors the board, in its wisdom, feels are necessary. But I would hope these would be based principally on the individual merits of the case and on the individual suffering and injustice involved.

**Hon. Mr. Alexander:** There is no question that you are emphasizing your point very strongly, and I don't blame you one bit. As a matter of fact, if we were sitting in your spot—and I have sat in your chair, only in another House—we could readily understand that when you continually have to bring the same concerns back without apparent redress of the system you become even more concerned. But I would like to suggest to you, now that we know the problem, now that we understand that it calls for all the expertise in the world in terms of the positions and the realities, given that fact, then yes, we are concerned about the plight of the injured worker.

11 a.m.

I want that to be understood here. Some people may think I do not understand, but it is my job to see to it that your concerns, particularly with respect to section 42(5), have a high priority. All we are saying is, "Yes, we understand your concern, we understand that it should be given a higher priority." I just want to re-emphasize that that is exactly what it has. All we are look-

ing for is information as to how best this particular problem can be solved. I know you would not want us to go off half cocked by, if it calls for an amendment, simply bringing in an amendment, when you, in your initial statement, indicated that you did not want any tinkering with the bill. Once you say you don't want any tinkering, then I think you have—

**Mr. McClellan:** You don't have to tinker with it. You have the authority there now.

**Hon. Mr. Alexander:** That is the argument.

**Mr. McClellan:** Yes.

**Hon. Mr. Alexander:** That is the argument. It has been suggested that there is a need for—

**Mr. McClellan:** Mr. Armstrong knows I am right.

**Hon. Mr. Alexander:** I don't know whether Mr. Armstrong knows you are right. I am saying that we are aware of your circumstances, but you don't want tinkering with this bill. That is a fact—and I think you are quite right—that we have to be reasonably sure, not for our sake, but for the benefit of injured workers, that we are on the right track.

As I said, I hope we are going to have the solution in the near future, because this thing has been dragging on too long. I will admit that without any equivocation. You are talking about one year, and we have not solved this situation; I don't find that acceptable at all. But all I want you to know is that we are serious with respect to approaching your concerns, and we intend to get to the bottom of it in the near future.

**Mr. McClellan:** I will accept that as a commitment.

**Hon. Mr. Alexander:** You have it.

**Mr. McClellan:** We will hold you to it.

**Hon. Mr. Alexander:** I hope you do.

**Mr. McClellan:** You can count on it.

**Hon. Mr. Alexander:** Because I want to hang around for a while, sir.

**Mr. McClellan:** There was another area I wanted to pursue, and that has to do with the vocational rehabilitation services division and Mr. Wisocky's work. Before I do, I had asked, again in the opening session, that if possible we be provided with a coherent set of statistics with respect to the work of the vocational rehabilitation division. I had asked that because there were a number of contradictory figures provided to us in

various documents. Does anybody know whether those figures are available?

**Hon. Mr. Alexander:** Mr. Wisocky is here. Would you like him to come to the stand now?

**Mr. McClellan:** If he would give me those, I would like an opportunity to look at the figures before we get into discussion.

**Hon. Mr. Alexander:** Have you copies of those, Mr. Wisocky, for the benefit of the members?

**Mr. McClellan:** I will just ask one other question and then I will yield my place. I will come back to Mr. Wisocky after I have had a chance to look at the statistics. I did have a question for Dr. McCracken with respect to the use of surgical consultants who are looking at injured workers and giving definitive opinions, as to whether they may be qualified to do it.

Last year during the estimates, again on March 29, Mr. Wildman asked the following question. "There is no case where a gynaecologist, say, might make a decision on an orthopaedic problem?" Dr. McCracken said: "That would be most interesting. I would think that he would be stepping so far out of his field that—" and then he trailed off. I think there was general agreement that this was such a ludicrous situation, that is, a gynaecologist's being called in to give a definitive opinion on an orthopaedic problem, that we could not even contemplate that kind of thing happening.

However, I was in the middle of an appeal about two weeks ago, and I had not noticed this until I was in the middle of my presentation for an injured worker who had a back problem and who was denied entitlement on the recommendation of Dr. Hopper. Dr. Hopper happens to be a gynaecologist, if I am not mistaken. I would really like Dr. McCracken to explain to the committee why a gynaecologist is giving definitive opinions on orthopaedic problems. I remind the chairman of the board that these opinions by the board's so-called surgical consultants are the definitive opinions. This is what decides whether an injured worker is cut off, or—

**Hon. Mr. Alexander:** Why do you call them "so-called"?

**Mr. McClellan:** I call them "so-called" because I think it verges on quackery, not to put too fine a point on it, for the board to be using gynaecologists to do orthopaedic assessments.

**Hon. Mr. Alexander:** I think the only person—I will not say the only, but the one

who is prepared to answer your question right now is Dr. McCracken, who is executive director of medical services. Doctor, could you take the stand? I would like to know who the doctor in the case is and whether that is all he does: is he just a gynaecologist, or does he have a combined expertise?

**Dr. McCracken:** Mr. McClellan, I thought we had resolved this issue the last time we met, but apparently we did not. The way it was initially phrased, identification was not made; it was phrased in such a way that my first interpretation was that we were talking about some outside consultant who had been called in either by the attending family physician, or possibly by the board, although I could hardly imagine that, who happened to be a gynaecologist by training, and who was then asked to pass an orthopaedic opinion. As the information evolved, it became apparent we were talking not about an outside consultant, but about one of our full-time consultants, Dr. Hopper, who is the senior surgical consultant on our medical branch staff.

Dr. Hopper cannot by any stretch of the imagination be identified as a quack, nor, by any stretch of the imagination, as not being qualified. Indeed, he is fully qualified. Dr. Hopper happens to be one of these people who has the expertise and who took the training: not only does he hold his specialist's certificate in obstetrics and gynaecology, but he also is a holder of a fellowship in surgery with the Royal College of Physicians and Surgeons of Canada. He is doubly trained. In other words, he is in a situation whereby he could express an expert opinion on matters of obstetrics and gynaecology just as well as he could on matters of general and traumatic surgery, and with equal qualifications.

**Mr. McClellan:** He is qualified to give expert opinions on orthopaedic matters?

**Dr. McCracken:** That is correct. In a court of law he would be identified as an expert medical witness.

**Hon. Mr. Alexander:** Does that help you, sir?

**Mr. McClellan:** Not particularly. It remains a matter of mystery to me how a surgical consultant, particularly when the consultant is straying out of his field somewhat, can give a conclusive opinion without even examining the injured worker.

**Dr. McCracken:** First of all, as I mentioned, in my opinion he most certainly was not straying out of his field, because he is



fully qualified and identified as a specialist in general and traumatic surgery.

So far as expressing an opinion without examining the patient goes, by the time Dr. Hopper enters the picture, the file invariably contains all types of medical consultant reports and reports from the treating physician. In many instances, there is very little, if anything, to be gained by an actual examination of a patient at that time. It is totally different from early in the disability, when examination is of extreme value in determining two things.

First, there is the diagnosis, and in this situation, the diagnosis has already been established in 100 per cent of the cases, although there might still be some difference of opinion as to the ultimate diagnosis. Second, in the early phases it is extremely important to carry out an examination in order to determine the direction the treatment will take. In these cases, once again, they have invariably reached the point in medical rehabilitation at which there is really no further definitive medical treatment that can be taken. This is why an assessment can be made without the necessity for examining a patient.

11:10 a.m.

**Mr. McClellan:** That may be your experience, Dr. McCracken, but it bears no relation at all to my experience. In the case to which I referred and which I do not intend to identify, the injured worker was subsequently examined by an orthopaedic specialist who came up with a diagnosis that resulted in the injured worker's being restored to section 39 benefits.

That is my experience, not the kind of thing that you are suggesting. The kind of paper shuffling that Dr. McCracken is describing bears no relation to sympathetic or caring diagnostic treatment of injured workers for the purpose of providing adequate treatment or just compensation.

This is something we experience time after time with the Workmen's Compensation Board's consultants doing I don't know what kind of shuffling through the material on file, only to have their decisions overturned either upon appeal or upon referral to outside consultants.

Dr. McCracken may want to make the argument that I am talking about a minority of cases, and that he is talking about the majority of cases. That does not do me any good when I am dealing with 300 or 400 compensation cases.

**Hon. Mr. Alexander:** May I interject before Dr. McCracken follows through?

What is your suggested solution? I heard you indicate that Dr. Hopper was not qualified. I am not going to argue whether he is or is not. I accept the word of Dr. McCracken that he is. I suppose that because of his training he has the required certificates.

What is your solution to this specific problem? Or, can we have the file?

**Mr. McClellan:** We used to play that game. We would trot in here with our files, and the board would say, "Don't worry about that, don't worry about that. We will look after your files when the estimates are over and we are back to business as usual." We don't play that game any more.

**Hon. Mr. Alexander:** I was not playing a game.

**Mr. McClellan:** I am not suggesting you are. Let me give you some advice, though, and I mean this quite sincerely. You take a good, hard look at your medical section. You take a good, hard look at your surgical consultants. I am not going to say any more this year. But, by God, if there is not a cleanup, I will be explicit next year.

I don't have to say any more to anybody. Everybody in this room knows what I am talking about.

**Hon. Mr. Alexander:** With one exception, and that is me.

**Mr. McClellan:** You will find out. You will just have to keep your eyes open.

**Hon. Mr. Alexander:** I want to do just what you said. You have a concern. I am new. You are bringing your concern to me. But I want you to help me.

You don't have to give me the name of your constituent and/or the case number. But it would be very helpful for me, and I say it with a great deal of respect. You say that everybody knows it; I want to know it. If you can help me by writing to me, saying, "Mr. Alexander, this is what we have been talking about over the years, and in particular in the past year: point, point, point, point," I can assure you that these matters will be brought to the attention of the executive director, with the request for the answers. But you have to help me, too.

**Mr. McClellan:** You have eyes to see and ears to hear.

**Hon. Mr. Alexander:** In other words, what you are saying is that you will not—

**Mr. McClellan:** You will be on the job a relatively short period of time before you know precisely what I am talking about.

**Hon. Mr. Alexander:** Are you saying you are not going to assist me by just dropping me a note?

**Mr. McClellan:** I will be happy to talk to you about it.

**Hon. Mr. Alexander:** Wait a minute. Did you say talk or write? We can have an appointment.

**Mr. McClellan:** All right, we will talk, or whatever you want to do.

**Hon. Mr. Alexander:** I will take notes.

**Mr. McClellan:** This has to be cleared up. You have a real problem there.

**Mr. J. Johnson:** Mr. Chairman, I would like to interject for one minute. I am a little tired of people making accusations without names and without facts. I challenge you, Mr. McClellan, that if you have something to say, spell it out and give it to the chairman, and be specific. I am sure no harm is going to befall your constituent. But if you are not accurate, if you don't give him the information, how in the world is he going to address the problem?

**Hon. Mr. Alexander:** Thank you very much, sir, but I think we have an agreement now whereby we are going to meet.

**Mr. McClellan:** I would prefer to discuss the problem that I have experienced and of which I am aware with the chairman in a different forum, not a public forum.

**Mr. J. Johnson:** That is fair enough. All I am saying—

**Mr. McClellan:** And next year, if the problems are not solved, we will deal with them publicly, here in these estimates.

**Hon. Mr. Alexander:** I would be glad to be sitting here to reply, sir.

**Mr. M. Davidson:** I would like a supplementary, if I may, while Dr. McCracken is here. It deals with the surgical consultants on the board.

What are the qualifications, for example, of Dr. Stewart, who is your chest and respiratory consultant? What qualifications does he have in that field? My understanding, and you can correct me if I am wrong, is that he is only a medical doctor. He has no specialty.

**Dr. McCracken:** I guess my response to that is, if you look at the degrees that Dr. Stewart holds, you will see he does hold the degree of MD from McGill University. He does not hold a fellowship from the Royal College of Physicians and Surgeons as a respirologist.

Having said that, I can only go back and quote what your former leader, Mr. Stephen Lewis, said in this very room. He said that in his opinion Dr. Stewart was one of the best qualified people to assess chest disease he had encountered. I think this is indeed true.

Dr. Stewart became extremely interested in chest disease and pneumoconiosis when he was doing general practice in Elliot Lake. He had personal exposure at the time that he came to the board. He has been with the board for quite a number of years.

He was in practice for seven years, and has been with the board for 12½ years. When he came to the board, his expressed interest was in pneumoconiosis, and he applied himself to this. He has been primarily responsible for the high calibre of people on our chest advisory committee. He has been on the advisory board of the Canadian Thoracic Society for a period of three years. They usually appoint only people whom they consider to be expert in that particular field.

While he does not have his fellowship, in my opinion he is an extremely well qualified person.

**Mr. McClellan:** I will yield my place at this point.

**Mr. Haggerty:** Mr. Chairman, I had a number of questions related to one of the serious problems in occupational health, that is, to hearing loss.

The report of the Advisory Council on Occupational Health and Occupational Safety of April 1, 1979, to March 31, 1980, has it pretty well documented, on pages 90 to 100 and something. It says that the basis for compensation for future issues—and this is what they are concerned about, and I suppose it pretty well expresses the concerns of members and union leaders in Ontario.

"The policy of the Workmen's Compensation Board regarding occupational noise-induced hearing loss is certainly in keeping with the more enlightened practices in North America. None the less, the council is concerned about several issues which it will identify, but will not offer comprehensive advice. It takes this position because it feels limited by its terms of reference and the complexity of the matter. It is a subject worthy of a separate, detailed analysis."

It goes on to say: "The council believes the basis of compensation for noise-induced hearing loss should be reviewed. Hearing handicap begins at 20 decibels loss and by 25 decibels is noticeable so that people

suffering this degree of hearing loss have difficulty understanding one voice in many. They have difficulty conversing among groups. Questions have been raised about the equity of the policy. A person is compensated for an amputated finger or loss of an eye. A person claiming for hearing loss must wait until a fair portion of his hearing has been permanently lost . . ."

**11:20 a.m.**

They raise rather interesting questions there, I believe related to the fact that the board does have a policy that sets a maximum which it will accept for hearing loss. I believe it was 35 decibels.

**Dr. McCracken:** The current guidelines are that the average hearing loss bilateral is 25 db; then it is an acceptable plane if, on investigation, it has been shown that the individual has had the exposure to noise in his occupation or occupations. This means he qualifies for a hearing aid, if a hearing aid is considered by the specialist or otologist who has been treating and examining him to be of assistance or value.

He would also qualify for any other medical aid or treatment that might be indicated or required. When the average hearing loss exceeds 35 db, as well as having an allowable or acceptable claim and as well as qualifying for medical treatment, medical aid and medical and vocational rehabilitation, he also qualifies to be in receipt of a permanent disability award.

**Mr. Haggerty:** I have not gone into this report in detail but it does bring to my attention that there is a serious problem there. One of the difficulties I find is that a number of workers have encountered or been subjected to heavy noise concentrations over the years, and it has not been until recently that perhaps the Ministry of Labour or even the Workmen's Compensation Board has been actually involved in the monitoring of industries in Ontario.

I can think of one chap—I do not have the claim number and I cannot recall it—who worked at Page-Hersey Works in Welland and was subject to noise over the years. All of a sudden it is brought to the attention of the board, there is difficulty in arriving at a fair decision and they say, "We do not quite believe that it all happened there," or something like that, because there have been poor records kept in industry over the years.

I brought to the attention of the board the problem of a chap who worked at John Deere Limited. They did send out their investigators and took a sampling of noise levels within

that industry. I guess he was awarded a claim for a partial hearing loss.

But there have been other persons affected over the years in industry, when there was no monitoring done at all. Based upon that, I looked at your report this year, in which you had 1,092 claims for deafness. That is a considerable number of persons who have been subject to above-normal noise levels over the years, and perhaps have been awarded claims under this within the last year. But there are a number of persons in the industry who over the years have suffered a partial or complete loss of hearing.

There is difficulty now in establishing who is responsible. I thank God we have this Occupational Health and Safety Act now, so that we will have the monitoring done in industries in Ontario, and can look at these areas and pinpoint the problems. But I think the board must allow for certain discrepancies over the years in order to bring about a fair compensation in this particular area. I have a number of people who come to me about it, and it is rather hard to establish a claim based upon facts; the problem is, do you have the facts there? The facts are there that the person has lost his hearing, but the question is where? In truth, I am pretty sure that it has happened in the industry.

**Dr. McCracken:** Mr. Haggerty, as you are well aware, the Ministry of Health monitored those industries in which a noise hazard was identified, and has done so for a number of years. That was transferred during the past several years to the newly formed occupational health and safety division of the Ministry of Labour. They have the responsibility to monitor those companies that are identified as having hazardous noise levels.

Of course, what the Ontario board has always done, whenever we have received a claim from a company for which we did not have any records from the Ministry of Health and, now, the Ministry of Labour, as to the noise history of that company, is immediately to alert the appropriate people. Apparently, that would be the Ministry of Labour. If they did not have any records, this factor would trigger a request from Mr. Kerr's claim services division that they send an inspector into that site to carry out the necessary examination and develop the necessary data. As far as the allowance of claims based upon exposure goes, this is the responsibility of the claims service division, and I am sure that Mr. Kerr could speak to that should you so wish.

As far as the number of claims are concerned, as you know, in 1974 there was a



change. At that time, the board made the decision that a person should be able to file a claim if they had deafness attributed to occupational exposure, irrespective of whether they were still at risk. Up until that time, a claim would not be accepted as long as they were at risk, as you are aware.

We had a pool of cases which had been developing over a number of years, and which immediately came to our attention. Through the activities of unions, of some of you people, of the treating physicians and of the workers themselves, we started dealing with this backlog of cases. As might be expected, we had a phenomenal peak. For instance, from 1974 when this was changed, to 1975, the number of cases increased by 54 per cent, as we might have expected; the following year there was a further increase of 62 per cent.

Since that time, for the last three years, we have had a decline, and each year there have been fewer and fewer cases.

As to permanent disability awards, that is, the higher levels of hearing loss: those of last year, for instance, compared to those of the preceding year, 1978-79, represent a decrease of 22 per cent in the number of cases involving hearing loss of such a level that a permanent disability is identified.

We have dealt with the backlog of cases, and will continue to deal with new cases that come to our attention. We have hit the peak, and are now into a period of decline. I would certainly hope and expect that as better engineering is designed into a lot of equipment, and indeed I understand this is a real factor being addressed by the accident prevention groups and by certain industries, we will see future cases of deafness really drop off to very few indeed. But possibly you might wish Mr. Kerr to speak to the matter—

**Mr. Haggerty:** The point I want to bring to the chairman is that this report is something new, and I do not think the board members have had the opportunity to review it. It does recommend that the criteria be changed to give, perhaps, a broader area for those persons who have hearing loss. I suggest that someone take a good look at it to see if the changes recommended here would be accepted by the board.

In this particular case I brought to your attention—I do not know if it has been finalized in the appeal procedure—apparently the person was hit by a crane hook which caught his ear and did some damage to it. I could not quite agree with the decision at one of the appeal levels, which said there was a pre-existing condition, something else

not related to hearing loss. But if somebody gets one of those hooks driven into his ear from a crane above—the cable broke, the crane caught his ear and caused severe damage at that time, there is no doubt about it; it certainly has affected his hearing, on top of the high noise level to which he was subject for a number of years. I will look forward to seeing what the final decision of the board is in this particular area.

I bring to your attention that there is a problem, and it has been suggested by the advisory council that the board should consider changing its criteria. I hope you will give your earnest consideration to this particular area.

**Hon. Mr. Alexander:** This time I will be governed by your intervention. Perhaps Mr. Kerr could elaborate somewhat, in terms of satisfying your curiosity.

11:30 a.m.

**Mr. Kerr:** Mr. Chairman, I do not want to prolong the discussion but we do share your concern, Mr. Haggerty, in going back in history to try to determine what the noise exposure was in industrial hearing loss cases. During the past year, we have had a number of meetings with union groups. I think some of the most helpful actions have been on the part of unions to assist us.

As Dr. McCracken has said, if we do not have a profile on a company within his own branch, we look to the Ministry of Labour. They have a lot of information, going back a number of years, albeit not complete, for all industries. They have quite a bit of information of assistance to us. We also request them to go out and do sound level studies for us. Last year, there were something like 223 requests for sound level studies to be conducted by the ministry so that we would know exactly the conditions that exist.

In working with the unions, when we send out our claims investigator, we now, as a matter of routine, contact the union concerned. It is amazing the information we can obtain by talking to the people who have worked in a plant for a number of years. Usually, the union representatives can put our claims investigator in touch with those people.

We share your concern, but I want to add that we are aware of it and we are doing everything we can to try to get the kind of information needed to make a decision in industrial hearing loss cases. The one you described is a traumatic hearing loss case. With the chair's permission, I wanted to add that we are very much aware of that problem

and we do everything we can to get the information.

**Mr. Haggerty:** So you will consider this latest report from the occupational advisory council on establishing new criteria?

**Mr. Kerr:** Yes, any report that is referred to the board has to be studied and considered.

**Mr. Haggerty:** Has the board ever taken into consideration, for example, sampling or reviewing the present hearing devices that employees are using to reduce the noise level?

**Mr. Kerr:** Being a nontechnical person, I am not qualified to answer your question.

**Mr. Haggerty:** Who sets the standards for these?

**Mr. Kerr:** I think Dr. McCracken should answer that.

**Mr. Haggerty:** You might as well have them all move in to the centre here.

**Hon. Mr. Alexander:** If that is possible. I don't think they can sit here.

**Mr. Chairman:** If you are going to keep on bringing them back so often, I guess we should keep both gentlemen at that end of the table. However, I don't know who will be called next time. Carry on, sir.

**Dr. McCracken:** Mr. Haggerty, earmuffs and earplugs have been designed by various companies, as you are aware. The Ministry of Labour is obviously very interested in the efficacy of these devices, but so are we. As part of the ongoing research we have commissioned over the past number of years from Dr. Peter Alberti of Mount Sinai Hospital, one of the areas of research he has been involved in is to determine exactly the efficacy of various types of earmuffs and earplugs.

Up to the present time, he has a preliminary report that indicates custom-made earplugs have the poorest efficiency of any. In other words, while on face value you would think custom-made earplugs would probably work the best, this, unfortunately, is not the case, according to his findings. They probably have the poorest record of any of the devices. The standard earplugs are the next worst and the best are the earmuffs. Having said that, the earmuffs still do not have the protective levels originally attributed to them.

Over and above that, there are other factors Dr. Alberti has identified, one of them being the improper maintenance of earmuffs. The tension on them changes so that they are no longer efficient. Another factor has to do with the inability of an individual to wear earmuffs because of long hair, for instance. We know that earmuffs interfere with the wearing of hard hats and vice versa. We also

know, with air-flow helmets used in uranium mining operations, there is a problem encountered in using the air-flow helmet and wearing earmuffs at the same time. Finally, we know that some of the workers just do not wear their earmuffs in the correct manner, so that noise leaks in.

All these are factors Dr. Alberti has looked at and is continuing to look at. We expect we are going to have the final document from him one of these months. Unfortunately, I cannot shove him too hard because he is a busy man and has a lot of other things going, but he keeps telling me he is going to wrap up the study as soon as he is able.

**Mr. Haggerty:** So it is actually a problem area, even in the equipment the employees should be wearing. I was not planning on coming into this hearing this morning. I was to be in the next room, but I did have some earplugs I wanted to show you. They are sponge rubber, I guess. If you put them in your ears, they will stay in for about a couple of seconds and then they pop out on you. They are what a number of industries are providing for employees.

I know the earmuffs they wear to reduce the noise level are not of standard quality. I suggest this is an area we should be looking at here. If we are talking about occupational health and safety, we have to take a close look at the equipment persons should be using in industry. It is just like automobiles, which are sold on the market not in accordance with the ability of the person to drive the car, but for a standard thing. That's it, and they are put out on the market.

I think one of the experts before the Ontario Hydro select committee on safety in the nuclear industry pinpointed this. Even the things a person is working with day by day are not designed for that person. They talked about panel instrumentation and a few other things like that, which are not designed for the betterment of the employee. They are more for looks than anything. I suggest, in regard to the cosmetic look of apparatus a person has to wear, safety equipment and so on, the board should be taking a good close look to see that we do have the proper safety equipment for persons to be using in industry in Ontario. I can relate that to welding helmets and all the way through the whole system, including proper ventilation for welders.

I do not think I have seen improvements in many industries over the years in this particular area. There are many areas we relate to the occupational health sector. That



bill is going to bring an awareness to the Ministry of Labour and to all of us that health problems can be caused to a person employed in any industry in Ontario, such as mines, above ground or below ground.

**Hon. Mr. Alexander:** Mr. Haggerty, I think your points are well taken. Is this primarily the responsibility of the Ministry of Labour with respect to Bill 70? Is the problem directly related to the Ministry of Labour with respect to inspection, safety, et cetera, which then become part of the board's responsibility? Or can we take the initiative in this regard? I am just seeking information in this respect.

**Mr. Haggerty:** I believe there are sections under the Workmen's Compensation Act dealing with the occurrence of injuries or accidents. They have powers to step in to make an examination too, just as the WCB has. I think both have a heavy responsibility.

**Mr. M. Davidson:** Mr. Chairman, I want to ask a question of Dr. McCracken while he is here rather than have him shuffling back and forth.

**Dr. McCracken:** I think you will recall during the hearings last year you and I and other members of the committee had a discussion relating to the use of sodium pentothal and sodium amytal by physicians who treated board patients. Since that time some confusing information has arisen through media reports, newspaper and radio reports, as to the number of patients who have been administered these drugs.

Perhaps you can clarify some of this for us.

11:40 a.m.

I note in the *Globe and Mail* of January 25, 1980, you suggested that sodium amytal and sodium pentothal were used approximately 100 times last year, which would be 1979. Then I note in the paper put out by the Workmen's Compensation Board called *The Compensator*, volume eight, number four of April 1980, there is a section dealing with sodium amytal and sodium pentothal in which you are quoted as saying you were misquoted, it might be said, and that in fact the drugs had been used between 500 and 1,000 times in the last year. You corrected that and said they had been used between 500 and 1,000 times in the past five years in dealing with injured workers in Ontario.

It is a little confusing because if we go back to the discussions that were held last year dealing with this matter, we were talking about the use of sodium pentothal

and the use of sodium amytal. I would like to read from Hansard, if I may, part of your response. You said: "Having said that, I should add that it is not used to any great extent anywhere"—take note—"and in the past four years it has been used six times. It was used on one occasion in 1978."

Can you explain why it is there is such a difference in what you said in the hearings in 1979 and the figures that were quoted in the *Globe and Mail* and various other news media? If I recall correctly, I think I heard you personally on CBC radio talking in terms of 500 to 1,000 cases where these drugs had been administered. Why is there such a difference between what you said in the hearings last year and the figures that have been used by yourself both to the media and even in this paper itself?

**Dr. McCracken:** Mr. Chairman, if the minister were here I am sure he would verify the fact that last year we were talking about cases, as I understood it, where sodium amytal had been used by our consultant psychiatrist staff at the hospital and rehabilitation centre. The fact of the matter is that over an interval of five years it was used very infrequently, that is, seven times on six patients.

The other figure arose from an interview I had with a reporter from the *Toronto Star*. She wanted to know how often this was used generally by psychiatrists and, in the case of sodium pentothal, by orthopaedic surgeons and neurosurgeons and neurologists throughout the province. I told her I did not have those figures, that I was not aware of any source where she could get those figures.

As the interview progressed, she asked me if I might be prepared to give an estimate. I made it very clear to her that this was only an estimate based upon my opinion, realizing that we have a population of eight million plus in the province and the fact that at any given time 10 per cent of the population is requiring psychiatric treatment.

Running at it from that angle, the best estimate I could give her, and I used a five-year period because we had been talking about the cases that had received sodium amytal over a five-year interval at the hospital, I said "during the same time frame." Unfortunately she neglected to take that into account when she wrote her article. I told her I would estimate that during the same time frame psychiatrists and neurosurgeons and orthopaedic surgeons throughout the province might have used this on injured workers in order to carry out their



clinical evaluation approximately 500, at the very outside 1,000 times over a five-year interval, or about 100 cases per year, and that during the same interval of time, five years, in the general population in all probability it would be used between 5,000 and 10,000 times.

If you look at numbers alone it looks like large numbers, but if you compare that to the number of patients undergoing psychiatric treatment the percentage figure for the general population, for instance, would work out to 0.28 per cent. That means that the 800 psychiatrists in the province would be administering no more than one or two sodium amylal interviews per year, probably less than that because that would also have to include the pain studies where sodium pentothal is used by the orthopaedic surgeons, neuro-surgeons and, in some instances, by neurologists. So in the overall practice of any one of these specialty groups it is the type of investigative tool and treatment tool that is not used with any great frequency.

Similarly, the incidence for the cases at our hospital and rehabilitation centre is approximately 10 times less frequent than that; namely, our incidence based on 30,000 patients having gone through the centre in a five-year interval means that the incidence of usage is 0.02 per cent, which is far below the estimated average incidence of the use of this drug in the general population.

**Mr. M. Davidson:** Could you give us some idea of how often it was used at the hospital last year for 1979?

**Dr. McCracken:** No times.

**Mr. M. Davidson:** None whatsoever.

**Dr. McCracken:** No, and we have not had occasion to use it so far during 1980. When the indication does come along then, indeed, usage of it will be considered as part of the treatment program.

**Mr. M. Davidson:** There is one other thing perhaps you can clarify for us.

In response to a question from Mr. McClellan regarding consent forms, you responded, "Consent forms are not required for that type of treatment. Consent forms are required for surgical operative procedures." Yet I notice in this same article you are quoted as having said, "A patient's written informed consent is required before sodium amylal can be given."

Perhaps I can read to you something out of one of the papers. I believe you had a quote in the Kitchener-Waterloo Record of January 25, 1980, which said, "Since 1977, written consent from a patient has been re-

quired before the two drugs can be administered."

Last year you told us that consent forms were not required or consent was not required. Can you explain that? If it has been a practice, as you are quoted as having said, since 1977, why would you tell us last year that there was no need for a written consent?

**Dr. McCracken:** First of all, Mr. Chairman, as you can appreciate, I have no control over what is printed in the media.

**Mr. M. Davidson:** I understand that.

**Dr. McCracken:** Having said that—

**Mr. M. Davidson:** This is your own paper though.

**Dr. McCracken:** —there is nothing laid down—I am talking about the other paper.

**Mr. M. Davidson:** This is where you are quoted as having said "written consent."

**Dr. McCracken:** Yes, there is nothing laid down by the Ontario College of Physicians and Surgeons or by the Accreditation Council of Canada stipulating that written consent is required for this type of treatment, that is, the utilization of sodium amylal or the pain studies using sodium pentothal.

11:50 a.m.

For a number of years at our hospital and rehabilitation centre we did not require written consent but rather we required informed verbal consent. The reason for this was that the matter was discussed in approximately 1971, quite some time before I was associated with the board.

The medical advisory committee of our hospital and rehabilitation centre is made up of the heads of all services: the chief of orthopaedics, the chief of neurology, the chief of psychiatry, et cetera, as well as the medical director of the hospital and the executive medical director from the board. It is also made up of the chiefs of certain special clinics such as the director of the back assessment rehabilitation clinic and so forth. These people discussed the matter and recorded in the minutes was their decision that a signed authorization was not required. At that time they were of the opinion that it should not be implemented.

Several years ago we took a look at this again and we discussed it with the medical advisory committee. Following discussion, it was agreed that we should change our policy and should have a written signed authorization. This has been in effect since 1977, I believe it is.

Having said that about our hospital I'll mention what is going on with the other

400 general hospitals throughout the province. It is a mixture. Some hospitals, based upon a recommendation by their medical advisory committees through their board of directors, require written consent for this type of treatment. Other hospitals merely stipulate that the patient should be informed as to what the treatment is and the purpose of it, which is informed verbal consent. Currently there is a mixture in the hospital system in Ontario where some hospitals do require this written consent, and other hospitals do not.

Therefore, it would appear to be confusing, but this is the fact of the matter and it is not laid down as being mandatory for all hospitals.

**Mr. M. Davidson:** My question, Dr. McCracken, was why would it be that you would tell us consent forms were not required, and certainly we were talking about the use of drugs on injured workers in the province, when the question was put to you directly, "Are consent forms signed?" You said, "Consent forms are not required." Yet, in this—I take it that is the workmen's compensation paper, is it not?—you say, "A patient's written informed consent is required." Last year you said it was not.

To go further, and I would hope you are not misquoted in your own paper, you apparently say, "All Ontario hospitals require written or verbal informed consent for sodium amytal or sodium pentothal."

**Dr. McCracken:** "Written or."

**Mr. M. Davidson:** "Written or," yes.

**Dr. McCracken:** That is what I have told you. In other words, in the current system some hospitals require a written consent, some hospitals only require a verbal consent. That is exactly the way it was reported.

So far as the other matter is concerned, as I mentioned, the policy of our medical advisory committee up until 1977 was that it would be verbal informed consent, and subsequent to 1977, written consent. I believe the article does reflect that.

**Mr. M. Davidson:** I am still in a quandary though as to why last year, when you were asked the question directly, you said it was not required. Why did you tell us that?

**Dr. McCracken:** That is because the fact of the matter is that the question—

**Mr. M. Davidson:** Dr. McCracken, we were talking about the Workmen's Compensation Board and the policy of the Workmen's Compensation Board. You are telling me that since 1977 the use of the drug, as far as the board or the hospital is concerned,

requires written consent. Here you are saying it does not. That is one year ago.

**Dr. McCracken:** I believe once again, if I may, that the reason for the apparent discrepancy is we are discussing the question, is written consent required for sodium amytal? My response to it is no, written consent is not always required or is not required in all cases. This is still the fact of the matter.

What I am saying is that looking at the matter of sodium amytal, written consent is not required in all cases. It depends upon the hospital. In so far as our hospital is concerned, in the seven instances you were talking about at the previous hearings, some of them did not have written consent because it was prior to the decision by the medical advisory committee to require written consent and some of the cases came after. It was a mixture; therefore, in all cases written consent was not required.

**Mr. M. Davidson:** I am sorry, Dr. McCracken, I would only ask that you read Hansard relating to that discussion. We were in fact talking about the compensation hospital.

**Dr. McCracken:** As I say, of the cases we were talking about, we were talking about six applications of the drug. Some of those cases did not have written consent because the procedure was carried out prior to the decision of the medical advisory committee to have written consent and some did have written consent. In responding to it, what I was saying was that so far as the Workmen's Compensation Board hospital and rehabilitation centre is concerned, in the cases we were looking at, some did and some did not. That is the reason why. I am sorry if there has been a misinterpretation.

**Mr. Chairman:** Mr. Davidson, I believe Dr. McCracken has given you a satisfactory answer, as far as I am concerned as the chairman.

**Mr. M. Davidson:** I am sorry, Mr. Chairman, it is not satisfactory to me, but I know I am not going to get any more out of it.

**Mr. Chairman:** This was a supplementary question and we have other things on the program that we plan to do this morning. Could you please yield the floor?

**Mr. M. Davidson:** I have concluded, thank you.

**Mr. Chairman:** Thank you, Dr. McCracken. Mr. Wildman, I want to thank you for yielding your time, because obviously it is passing pretty quickly. You may not get finished today, but I assure you, you will be first on

the list if you are not finished when we convene the next meeting.

At an earlier meeting, Mr. Van Horne had asked for some material that was not available because certain personnel were not here. I understand that person is here this morning. Mr. Alexander, would you at this point introduce that person? The information can be put on the record and Mr. Van Horne will be able to receive it in that way. He is not going to be here this morning and we don't want to have you bring this person back again. If you would, Mr. Alexander.

**Hon. Mr. Alexander:** Thank you very much, Mr. Chairman. I am pleased that you would bring this matter to the attention of the committee. I understand Mr. Van Horne had some concerns regarding an element of our human resources end of the board. We are prepared to answer through Bev Robson, who is the equal opportunity co-ordinator. She is here and I would ask your consent that she approach the microphone.

**Ms. Robson:** My name is Bev Robson. I am certainly pleased to be in attendance at the session to discuss the 1978 annual report on the program for positive action for women at the Workmen's Compensation Board. Our program is certainly proving that women can be helped through these affirmative action programs that have been in action through the Ontario government for quite some time now. It is helping them to develop their careers and to advance into management categories.

I developed a report for you today on the concerns expressed by Mr. Van Horne in reference to the four objectives that were stated on page 22 in the 1978 annual report. With your permission, Mr. Chairman, I would like to proceed with that report.

**Mr. Chairman:** Would you, please?

**Ms. Robson:** Mr. Van Horne's concern was that the statement in the report was, and I quote, "too general, too tokenish and too brief." I would like to elaborate on those objectives.

**Mr. Wildman:** Something like the representatives of the Liberal and Tory caucuses here this morning: "Too general, too tokenish and too brief."

12 noon

**Hon. Mr. Alexander:** It is the same old gang no matter where you go.

**Mr. Chairman:** Carry on, please. Just ignore the interruptions.

**Hon. Mr. Alexander:** Those politicians, of whom I used to form part, are up to their old tricks again. It is certainly nice, but

please carry on and don't let these interruptions bother you.

**Ms. Robson:** Thank you. The general goal of the positive action for women program at the Workmen's Compensation Board is to raise and diversify the occupational status of our women employees. The four general goals that were outlined in the annual report are, of course, part of that overall goal and I will take this opportunity to expand on those by giving you some detail about the program in reference to those objectives.

The first objective mentioned in the report is encouraging women and management to overcome traditional job role stereotyping. This addresses the historical stereotyping of women in the work force. Women themselves, as well as management in the work force in general, have often considered themselves clerical and service oriented workers and our program is designed to assist women and men to take stereotyping and change it and to move women on in management areas.

In 1978, several initiatives for the 1978 program plan were designed to educate into the new concepts and break through this stereotyping. Some of those program plans are as follows:

First of all, we had management information sessions. As this was the first year of the full-time women's adviser position at the board, it was very important that management had information about that position and the staff was also informed. These management information sessions were geared to management and carried out to provide our management with information about the program and also to establish individual branch plans that each manager would be responsible for to assist women to move ahead into management areas, particularly to move into nontraditional areas. There were 17 branch plans altogether that were forwarded to the women's adviser and they were carried out in full.

The women's adviser provided information to staff and management regarding the status of women in the work place in general and this was through management and supervisory workshops. This is a very important element to educate staff and management. As our people come through training and development workshops they are informed of women's status, informed of our women's potential for moving up into the management areas and they are also given information about nontraditional jobs for women.

Second there were noon-hour information sessions to all staff regarding women in gen-



eral and affirmative action programs across Ontario. Third, the women's adviser visited our area offices to broaden the focus of the program into the areas throughout all of Ontario, presenting women and men, staff in general, with information on women in the work place.

Then there was a voluntary committee set up to act as a liaison with our management people and staff and also as a support and advisory committee for the women's adviser. That committee is still very much in action today.

There was an extensive amount of data collected by the women's adviser on women's representation in job classifications throughout the board and this was for analysis and identification of problem areas at the board for women in their job stereotyping. I have some of that data for you at the end of this report.

There is a monitoring procedure set up to monitor job competitions. Thirty job competitions were monitored in 1978 to ensure equal opportunities through the transfer request and promotion-from-within policies at the Workmen's Compensation Board. There were career development workshops sponsored by the women's adviser's office to encourage women to move into the management areas.

In career planning, workshops were also carried out. A couple of those, for your information, were entitled *Getting the Job you Want, and Skills and Strategies to Moving Ahead*. All of these workshops were attended by a majority of women, but there were one or two men who attended. Certainly, we did not exclude men from this activity. It was certainly advantageous for them to learn about their career development as well.

In 1978, there were 17 breakthroughs for women. The women crown employees office defines breakthroughs as women moving into nontraditional areas. So we had 17 breakthroughs in 1978, which I consider to be very favourable.

This theme continued in 1979, and is continuing this year. The past six months in 1980 already have shown a significant number of breakthroughs for women into nontraditional areas, and into the management field. Breakthroughs are being made, but the statistics are not complete right now. We will certainly have those for you next year if you are interested.

The second statement in the annual report is that we are interested in assisting women in investigating new possibilities in

keeping with their career interests and potential. There is a great deal of potential for women at the Workmen's Compensation Board. Sixty-one per cent of our staff is composed of women. Among those women are individuals who, for various reasons, were underutilizing their potential. This potential needs to be identified and certainly directed.

The women's adviser in 1978 took an active role in assisting women to work on their potential. Forty-one individual counselling sessions were carried out by the women's adviser, and 36 of these were focused on career development. This is certainly a very important aspect of the affirmative action program. As the counselling is determined by employees and is voluntary, the initiative must come from the employees to approach the women's adviser or their supervisors for career development and career planning.

In 1978, on the same note, our performance appraisal system was modified. This was a very important step for women because it necessitated individual sessions with supervisors. It not only talked from the supervisor's point of view about work performance, but also gave women and men an opportunity to discuss with their supervisors their aspirations for career development and career plans. That was a very significant step in 1978 for the positive action program.

A resource centre was also established to provide all staff with information on university and community college courses. A career planning work book was developed in conjunction with our human resources division for counselling purposes. The work book assists staff to develop a personal career plan, to understand where they fit within the board's organization and where they can move, as well as where they can develop their skills.

Also, workshops and seminars were arranged and carried out, again on topics such as personal development. We are interested not only in what the employee can do for the board but certainly in what the board can do for the employee. A personal development workshop gave them the opportunity to be very clear about their goals and what they planned for their future at the board.

12:10 p.m.

Managers are providing women with more access to training dollars. Statistics show that more women are getting involved with university and community college courses, as well as with in-house and external training

courses. The training data expanded in 1979 and is already showing that trend in 1980. Although this information is not yet complete, the training dollars are multiplying for women.

The number of women at management levels is certainly increasing. In 1978, the number was up by 3.9 per cent over 1977; already the 1979 statistics show another increase of over two per cent. Once again it is indicated that the program is definitely working in the trade world, with women moving up into management positions.

The third objective outlined in the report ties in very closely with objective number two; it is providing opportunities for women to develop their potential and gain experience so as to be considered for promotion on an equal basis with men. This is where the program moves from affirmative action to equal opportunity; there is a difference. Affirmative action deals very directly with procedures, or with plans to assist women, while with equal opportunity, the policies and procedures are there to back up affirmative action.

Providing women with these opportunities leads us into a number of areas. Specifically, the intensive series of presentations given by our executive directors was offered in our lunch-hour series, and was based on interview skills. Several of our executive directors performed for staff, and let them know that they were very interested in assisting staff to move ahead at the board. It was a very positive move on the part of our management in conjunction with staff. The executive directors gave presentations on how to prepare for an interview, how to prepare a resumé, and things to look for during an interview which could assist one in getting that job. This was very well received.

Direct work is being done in this area of giving women, and staff in general, opportunities of moving ahead, by looking at job rotation systems and examining bridging jobs. More and more bridging jobs are springing up throughout the board; these are allowing staff in general, and women certainly, to plan their careers and to move into the top management positions.

The fourth objective in the annual report said it was very important in career development to eliminate institutional barriers that women may encounter in seeking better jobs. Historically, not only in the Workmen's Compensation Board but in the work place in general, hiring practices have created difficulties for women in obtaining jobs in nontraditional areas. I think a lot of work places are looking more and more at their hiring

policies, identifying these areas of difficulty and eliminating them; so did we.

Our application forms were highly scrutinized, and some changes were made to avoid any discriminatory statements or questions. Interview questions were revised. This is a very personal thing, because a number of interviews take place before anyone obtains a job in any work place. Our managers and supervisors were informed of what is legal and what is not legal as far as interview techniques go. Some questions that were certainly not meant to be discriminatory, but can be, were pointed out to our supervisors and managers, and all efforts are being made to be very careful not to ask questions that may be discriminatory during an interview.

Policies and procedures often contain sexist language, and our policies and procedures were examined. Any references to sexist language or discrimination have been removed. The 1978 policies and procedures were examined by the women's adviser, as well as by our human resources policy and procedures specialists at that time, to remove any discriminatory language.

To further the fourth objective, the women's adviser became a participant in the human resources division meetings, to keep in touch with organizational practices and to raise issues pertaining to women at work.

A pamphlet on maternity leave was designed, printed and circulated to inform our women of their rights to maternity leave and UIC benefits. A system to post-monitor competitions was established, as I have already mentioned, to ensure that nondiscriminatory selection and equal hiring opportunities for men and women were being promoted.

I have already mentioned that a data base was maintained. That data base provided information on the distribution of males and females at the board with regard to job type, level and salary. This is a very important part of the program, because it directly shows us where any problem areas may exist for women; those areas are given special attention.

The women's adviser kept in touch with staff at all levels to reiterate the equal opportunity policy, and to encourage the support of all staff for the positive action for women program.

The above report outlines the activities of the 1978 program plan. I certainly have a much more detailed report, but this is a synopsis of it for your information.

I have with me some statistics from the 1978 report, which I would like very briefly to go over with you for your information.

Salary levels in 1978 showed an increase for both women and men; the increase over the 1977 figures for women was about seven per cent more than the increase for men. The ratio of women's-to-men's average salary was 61.9 per cent, the wage gap being 38.1 per cent. That wage gap was narrowed by about three per cent over the 1977 figures; so the wage gap is definitely closing. The 1979 figures again show a very positive trend in that direction.

As I have already mentioned, the percentage of women in our management category has increased from 1977 to 1978 by 3.9 per cent. The 1977 figure showed a two per cent increase over the 1976 figure. There is definitely a progression, and the 1979 figure shows another increase of about two per cent for women in the management area.

12:20 p.m.

The final statistics I would like to offer you show that the number of women in the management area in 1978 was 351 out of a total of about 1,400 employees. This is the 31.9 per cent figure. Very close to one third of our management people are women. Almost one fifth of the total number of women at the board are in management categories. I think that is a very positive figure. The percentage of women in the management area at the Workmen's Compensation Board is 23.7 per cent. So, as I say, that is about one fifth of all women in management.

I would like to conclude by saying I am very optimistic about the program for women at the Workmen's Compensation Board. The program is continuing into the 1980s, and has been received very positively by our executive committee. Plans have been approved for 1980, and the statistics for 1979, which are almost complete, prove that women are moving forward.

Mr. Chairman: Thank you very much, Ms. Robson, for being with us this morning and giving us that very complete report. I certainly found your remarks very interesting, and I trust they will satisfy the concerns that Mr. Van Horne expressed at a time when you were not in the room. If you would stay in your place for a few moments, we have time for a couple of short questions.

Mr. Haggerty, did you indicate that you had a question?

Mr. Haggerty: No, I did not, but I can see that there is an improvement in the position of women at the board now. I think we are heading for equal pay for equal work, and I think that is the main goal of the project being carried out at the board. I know

from my present experience in dealing with personnel at the Workman's Compensation Board that it has pretty well been women who have looked after my complaints.

One day I felt I was perhaps a little bit rude to a woman, but I think I did drive the point home to her that if I cut off her pay this week, I am sure she would be back next week complaining about it. I was making reference to a person who has been waiting for compensation for his injury for quite a period of time. Anyway, I said I should have them cut off her pay and she would be in the same position. I said she would think twice about it. I think she got the message.

But I can see the change there and I think it is a step in the right direction.

Mr. McClellan: I have just two comments. The witness indicated there had been an effort made to eliminate sexist references in documents and literature, but I cannot resist asking the board's chairman when he intends to eliminate the sexist reference in the title of his organization and change it to the Workers' Compensation Board?

Hon. Mr. Alexander: In other words, what you want to see is "The Workers' Compensation Board." But with this "not tinkering" with the proposed legislation—

Mr. McClellan: There are some things you may feel free to tinker with.

Hon. Mr. Alexander: I will accept that is the way you put it. I think you are getting involved with policy. Yes, you have a concern there, and I had the same concern. As a matter of fact, I don't know how many boards have accepted that as being a fact—"The Workers' Compensation Board." Let us say we are giving it very serious and active consideration.

Mr. McClellan: I am sure it will take a couple of years.

Hon. Mr. Alexander: You want to start an argument here. You are going to be astounded.

Mr. McClellan: What is the size of the board?

Hon. Mr. Alexander: About 2,400, is it?

Mr. McClellan: No, I mean the board itself, the corporate board.

Hon. Mr. Alexander: There are seven members.

Mr. McClellan: How many women are on the corporate board?

Mr. Haggerty: Quiet now, fellows.

Hon. Mr. Alexander: Firstly, we do not make the appointments. As I understand it, now there are none. But I believe, check



me if I am wrong, sir, that there is one woman there as a commissioner.

**Mr. McClellan:** But not on the corporate board?

**Hon. Mr. Alexander:** No.

**Mr. McClellan:** How many commissioners are there?

**Hon. Mr. Alexander:** Counting myself, there are 13. Have you any suggestions?

**Mr. McClellan:** You have some work ahead of you.

**Hon. Mr. Alexander:** In what way?

**Mr. McClellan:** In equalizing the ratio of men to women in the senior positions of the Workmen's Compensation Board.

**Hon. Mr. Alexander:** Did you hear what Ms. Robson said? She is very optimistic for the future.

**Mr. McClellan:** Yes, right. It rests with you, not with her. Thank you, Mr. Chairman.

**Mr. Chairman:** Do you have any further questions of the young lady? Does anybody have any questions?

**Hon. Mr. Alexander:** I would point out that we do not make the appointments. I am sure you are aware of that.

**Mr. McClellan:** Perhaps you could refer it to your boss.

**Hon. Mr. Alexander:** I think he reads Hansard, and he has his deputy here. You read Hansard, don't you, sir?

**Mr. Armstrong:** I do, and I am sure he will bring it to the Premier's (Mr. Davis) attention.

**Hon. Mr. Alexander:** There you go.

**Mr. Chairman:** Thank you very much. Before we move any further, I guess we should decide on our plan of action for the balance of the hearings of this report. According to my clock, we have a three-

hour session coming up at the next session. I thought that would be tomorrow night. I understand the minister will have a bill in the House tomorrow night, and it would not be convenient for all members of the committee to be here. It has been suggested that this three-hour session be on Tuesday next, starting at 7:30 p.m. and carrying on until 10:30 p.m. Is that satisfactory with the members of the committee who are present?

Agreed to.

**Hon. Mr. Alexander:** Mr. Chairman, before you close off, I want to recognize my friend, Mr. Michael Starr, who has not left my side but has stayed around. I want to thank him. I think the committee members, as well, would like to thank him for taking time from what I believe is a very busy schedule to be with us this morning.

**Mr. Chairman:** Thank you, sir. Certainly I, as the chairman of this committee, want to express to Mr. Starr my thanks for his many years of service, and for his dedication in coming before this committee each year and taking a rather severe going over. Mr. Starr and I have been personal friends for many years, and I am certainly glad to see him here this morning; we will be glad to see him at any future time that it is possible for him to be here.

**Mr. W. Newman:** Mr. Chairman, I don't know whether Mr. Starr reads Hansard, but I would like to suggest he read it because there were some very nice things said about him when we started this morning.

**Mr. Chairman:** I understand, ladies and gentlemen, that we are going upstairs to room 230 to have a little bit of a reception in honour of Mr. Starr, so this meeting stands adjourned until Tuesday next at 7:30 p.m.

Thank you.

The committee adjourned at 12:26 p.m.

## SPEAKERS IN THIS ISSUE

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Davidson, M. (Cambridge NDP)  
Elgie, Hon. R.; Minister of Labour (York East PC)  
Haggerty, R. (Erie L)  
Johnson, J. (Wellington-Dufferin-Peel PC)  
Lane, J., Chairman (Algoma-Manitoulin PC)  
McClellan, R. (Bellwoods NDP)  
Newman, W. (Durham-York PC)

**From the Workmen's Compensation Board:**

Alexander, Hon. L. M., Chairman  
Kerr, W. R., Executive Director, Claims  
MacDonald, A. G., Vice-Chairman  
McCracken, Dr. W. J., Executive Director, Medical Services  
Robson, B., Equal Opportunity Co-Ordinator

**From the Ministry of Labour:**

Armstrong, T. E., Deputy Minister























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